federal register

TUESDAY, DECEMBER 2, 1975

PART II:

DEPARTMENT OF DEFENSE

Department of the Army

■

ENVIRONMENTAL PROTECTION

Peacetime Responsibilities

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

SUBCHAPTER K—ENVIRONMENTAL QUALITY

PART 650—ENVIRONMENTAL PROTECTION AND ENHANCEMENT (AR 200–1)

Peacetime Responsibilities

The Secretary of the Army, acting through the Chief of Engineers, hereby adopts the following regulation prescribing policies, responsibilities, and procedures for the protection and preservation of environmental quality for the Department of the Army in peacetime. The regulation implements Department of Defense Directive 5100.50 and provides general guidance to elements within the Department of the Army on environmental protection.

The regulation, as set forth below, is being codified in the Code of Federal Regulations for the first time, although portions of the regulation have been utilized by the Department of the Army since February 1, 1974. The regulation is being adopted without proposed rulemaking because it provides guidance and procedures in the implementation of the pertinent requirements of existing Federal Statutes, Regulations and Executive Orders pertaining to the environmental protection and enhancement, which will be followed by the various military commanders of the Department of the Army. These requirements include: Executive Order 11752, Prevention, Control and Abatement of Environmental Pollution at Federal Facilities (38 FR 34793, December 19, 1973); the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347); the Federal Water Pollution Control Act of 1972, as amended (Pub. L. 92–50, 86 Stat. 816, 33 U.S.C. 1251 et al.); the Clean Air Act, as amended (42 U.S.C. 1857 et al.); the Noise Control Act of 1972 (42 U.S.C. 4901–4918); the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (7 U.S.C. 136–136y); the Solid Waste Disposal Act, as amended (42 U.S.C. 3259); the Archeological and Historical Preservation Act of 1974 (Pub. L. 93–291), and the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401–1444). Accordingly, notice of proposed rulemaking and the procedures applicable thereto are considered unnecessary.

This regulation applies to: All active, semiactive and Army Reserve installations and activities located in the United States; National Guard installations and sites supported with Federally appropriated funds; Army installations and activities overseas in accordance with the general provisions set forth in § 650.5(c); and contractor activities and lessees located on real property in the United States under the jurisdiction of the Department of the Army. The Civil Works activities under the jurisdiction of the Secretary of the Army and implemented by the Chief of Engineers are excluded from the provisions of this regulation. Separate environmental regulations promulgated for Civil Works activities conducted by the Chief of Engineers are found generally in 33 CFR Chapter II.

The proponent agency of this regulation is the Office of the Chief of Engineers. Questions or comments on the regulation may be referred to the following address:

Office of the Chief of Engineers, Department of the Army, ATTN: DAEN–ZCE, Washington, D.C. 20310 (Telephone: 202–694–3434).

Effective date. This regulation is effective December 22, 1975.

WILLIAM R. WRAY,
Major General, USA,
Assistant Chief of Engineers.

This regulation implements DOD Directive 5100.50 and provides general Department of the Army policy on environmental protection. Local limited supplementation of this regulation is permitted, but is not required. If supplements are issued, Army Staff agencies and major Army commands will furnish one copy of each to the Office of the Chief of Engineers, DAEN–ZCE. Other commands will furnish one copy of each to the next higher headquarters.

This regulation supersedes: AR 11–21, November 3, 1967, including all changes; AR 200–2, June 29, 1973; and DA Message DALO–INE 081405Z, January 1974 (U), Subject: Interim change 1 to AR 200–2.

Subpart A—General

Sec.
650.1 Purpose.
650.2 Applicability.
650.3 Explanation of terms.
650.4 Goal.
650.5 Policy.
650.6 Implementing guidance.
650.7 Responsibilities.
650.8 Installation, State, and EPA relationships.
650.9 Annual status report on environmental programs and activities (RCS DD–H&E (A) 1269).
650.10 Environmental quality award.
650.11 Reporting requirements.
650.12 Executive Order 11752.

Subpart B—Environmental Considerations in DA Actions

GENERAL

650.21 Purpose.
650.22 Background.
650.23 Applicability.
650.24 Scope.
650.25 Policies and objectives.
650.26 Responsibilities.

REPORTS

650.27 Reports–RCS DD–H&E (QR) 1326, RCS DD–H&E (AR) 1327.

ENVIRONMENTAL IMPACT ASSESSMENTS AND IMPACT STATEMENTS

650.28 General.
650.29 Major actions significantly affecting the quality of human environment (MASAQHE).
650.30 Environmental effects.

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENT (EIS)

650.31 General.
650.32 Content of the EIS.

PROCESSING OF ENVIRONMENTAL IMPACT STATEMENT

650.33 General.
650.34 Draft EIS.
650.35 Circulation for comment.
650.36 Final EIS.
650.37 Time restrictions.
650.38 Review of EIS prepared by another Federal agency.
650.39 Related publications.

Subpart C—Water Resource Management

GENERAL

650.51 Purpose.
650.52 Goals and objectives.
650.53 Explanation of terms.
650.54 Policy.
650.55 Responsibilities.
650.56 Related publications.

STANDARDS AND PROCEDURES

650.57 Water supply standards.
650.58 Water quality standards.
650.59 Effluent limitations.
650.60 Ocean dumping standards.
650.61 Activities in navigable waters or ocean waters.
650.62 Storage of hazardous material.
650.63 Water supply treatment procedures.
650.64 Water conservation.
650.65 Minor industrial and municipal operations.
650.66 NPDES permits.
650.67 Ocean dumping permits.
650.68 Corps of Engineer permits.
650.69 State permits.
650.70 Operator training and certification.
650.71 Waivers.
650.72 Investigation of complaints.
650.73 Water Pollution Control Report—(RCS DD–I&L (SA) 1088).

Subpart D—Air Pollution Abatement

GENERAL

650.81 Purpose.
650.82 Goal and objectives.
650.83 Explanation of terms.
650.84 Policies.
650.85 Responsibilities.
650.86 Reports.
650.87 References.

STANDARDS AND PROCEDURES

650.88 Standards.
650.89 Assessment of air quality.
650.90 Air pollution sources.
650.91 Air pollution abatement and control.
650.92 Air emission monitoring and reporting.
650.93 EPA air pollution project review.
650.94 Compliance schedules.
650.95 Exemptions.
650.96 Transportation control plans.
650.97 Emergency air pollution episodes.

Subpart E—Waste Management [Reserved]

Subpart F—Hazardous and Toxic Materials Management

GENERAL

650.121 Purpose.
650.122 Goal and objectives.
650.123 Explanation of terms.
650.124 Policies.
650.125 Responsibilities.

PESTICIDE MANAGEMENT PROGRAM

650.126 Implementing guidelines.
650.127 Procedures.
650.128 Monitoring.
650.129 Reports (RCS DD–I&L (AR) 1080) and (RCS DD–I&L (SA) 1088).

HAZARDOUS CHEMICAL STOCKS (EXCLUDING CHEMICAL WARFARE AGENTS)

650.130 Implementing guidelines.
650.131 Procedures.
650.132 Special authorizations.
650.133 Monitoring.
650.134 Reports.

PHARMACEUTICAL STOCKS, BIOLOGICAL WASTES AND DRUGS

Sec.
650.135 Procedures.
650.136 Special authorizations.
650.137 Monitoring.
650.138 Reports.

RADIOACTIVE MATERIALS, EXPLOSIVES, AND CHEMICAL WARFARE AGENTS

650.139 Radioactive materials and nuclear accidents and incidents.
650.140 Explosive ordnance.
650.141 Chemical warfare agents.

Subpart G—Environmental Noise Abatement

GENERAL

650.161 Purpose.
650.162 Goal and objectives.
650.163 Explanation of terms.
650.164 Policies.
650.165 Responsibilities.
650.166 Reports.
650.167 References.

STANDARDS AND PROCEDURES

650.168 Standards.
650.169 Noise measurement standards.
650.170 Assessment of noise.
650.171 Noise sources.
650.172 Noise control.
650.173 Noise complaints.
650.174 Low-noise-emission products.
650.175 Waivers and exemptions from noise standards.

Subpart H—Historic Preservation

GENERAL

650.181 Purpose.
650.182 Goal and objectives.
650.183 References.
650.184 Policy.
650.185 Definitions.
650.186 Responsibilities.

STANDARDS AND PROCEDURES

650.187 Standards.
650.188 Procedures for preparing nominations to the National Register (RCS DOI–1005).
650.189 Funding of historic preservation activities.
650.190 Utilization of Historic Properties.
650.191 Compliance procedures.
650.192 Archeological sites.
650.193 National historic landmarks.

Subpart I—Oil and Hazardous Substances Spill Control and Contingency Plans

GENERAL

650.201 Purpose.
650.202 Goal and objectives.
650.203 Explanation of terms.
650.204 Policies.
650.205 Implementing guidelines.
650.206 Responsibilities.
650.207 References.

SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN

650.208 General.
650.209 Preparation and implementation of plan.
650.210 Review and evaluation.
650.211 Minimum plan requirements.
650.212 Detailed guidance.

INSTALLATION SPILL CONTINGENCY PLAN

650.213 General.
650.214 Minimum plan requirements.

REPORTS OF ARMY ACCIDENTAL OIL AND HAZARDOUS SUBSTANCE DISCHARGES

650.215 General.
650.216 Pollution Incident Report (RCS EPA 1001).
650.217 Reports on DA support provided to control non-DA spills.
650.218 Exclusions.

Subpart J—Environmental Protection Control Report (RCS DD–I&L (SA) 1088)

GENERAL

650.231 Purpose.
650.232 Explanation of terms.
650.233 Applicability.
650.234 Scope.
650.235 Responsibilities.

INSTRUCTIONS FOR THE PREPARATION AND SUBMISSION OF EXHIBITS

650.236 Exhibit 1—Proposed Project.
650.237 Exhibit 2—Status Report.
650.238 Exhibit 3—Narrative Report.

Appendix A—Procedures for the Protection of Historic and Cultural Properties (See 35FR 3366–3370, January 25, 1974).

AUTHORITY: 10 U.S.C. 3012.

Subpart A—General

§ 650.1 Purpose.

This regulation prescribes policies, assigns responsibilities, and establishes procedures for the protection and preservation of environmental quality for the Department of the Army in peacetime.

§ 650.2 Applicability.

This regulation applies to: (a) All active, semiactive and Army Reserve installations and activities located in the United States.

(b) National Guard installations and sites supported with Federally appropriated funds.

(c) Army installations and activities overseas in accordance with the general provisions set forth in § 650.5(c).

(d) Contractor activities and lessees located on real property in the United States under the jurisdiction of the Department of the Army.

(e) The Civil Works activities under the jurisdiction of the Secretary of the Army and implemented by the Chief of Engineers are excluded from the provisions of this regulation. Separate environmental regulations promulgated for Civil Works activities by the Chief of Engineers are found generally in 33 CFR Chapter II.

§ 650.3 Explanation of terms.

For the purpose of this regulation, the following apply:

(a) *Facility.* (AR 310–25.) Facilities include buildings, installations, structures, public works, equipment, aircraft, vessels, and other vehicles and property under the control of or constructed or manufactured for leasing to the Army.

(b) *Environmental quality standard.* The federal, state and regional quality standards adopted pursuant to the Clean Air Act; Water Pollution Control Act, Noise Control Act and other Federal statutes established for the protection and enhancement of environmental quality.

(c) *Environmental performance specifications.* Permissible limits of emissions, discharges, or other values applicable to activities which would provide for conformance to environmental quality standards to protect health and welfare.

(d) *Environmental pollution.* The condition resulting from the presence of chemical, physical, or biological forces which alter the natural environment and thus adversely affect human health or the quality of life, biosystems, structures and equipment, recreational opportunity, aesthetics, and natural beauty.

(e) *Environmental enhancement.* All actions taken to improve the environment, including but not limited to, those to abate environmental pollution and meet environmental quality standards and performance specifications.

(f) *Substantive standards and limitations.* The qualitative and quantitative pollution control provisions contained in approved State implementation plans promulgated under Federal environmental protection statutes.

(g) *United States.* The fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) *Installation.* A grouping of facilities, located in the same vicinity, which support particular functions.

(i) *Activity.* A unit, organization or installation performing a function or mission.

§ 650.4 Goal.

It is the Department of the Army's goal to plan, initiate, and carry out all actions and programs to minimize the adverse effects on the quality of the human environment without impairment to the Army's mission. Inherent in this goal is the requirement to achieve the following objectives:

(a) Eliminate the discharge of harmful pollutants produced by Army activities.

(b) Conserve and wisely use natural and material resources provided for use throughout the Army.

(c) Maintain, restore, and enhance the natural and manmade environment in terms of its visual attractiveness and productivity.

(d) Demonstrate initiative and leadership in the formulation and execution of a program that contributes to the national goal of preserving and enhancing the environment.

§ 650.5 Policy.

(a) All Department of Defense agencies are required to—

(1) Comply with the provisions of the National Environmental Policy Act and all other Federal environmental laws, executive orders, and regulations.

(2) Demonstrate leadership in environmental pollution abatement and enhancement of the environment consistent with the security interests of the Nation.

(b) The Department of the Army policy is that—(1) The achievement of environmental objectives is an integral part of the Army mission.

(2) The environmental consequences of any proposed action will be considered during the planning process and will be evaluated along with the technical and economic factors in the decisionmaking process.

(3) A detailed environmental impact statement will be prepared and processed in accordance with the National Environmental Policy Act when an environmental assessment reveals that the proposed action may significantly affect the quality of the human environment, is highly environmentally controversial, or is anticipated to evoke litigation based upon environmental issues. "Environmentally controversial" relates to cases in which substantive disagreement, real or purported, exists as to the extent, nature, or effect of the action on the environment.

(4) Insofar as essential mission constraints, permit, all programs and actions will be planned, initiated, or carried out in a manner to minimize polluting or degrading the environment.

(5) All activities subject to Federal, State, or local regulation will be conducted in accordance with applicable standards and monitored to insure compliance with such standards.

(6) All material and energy resources will be procured and used in a manner that will minimize the emission of pollutants and the production of wastes in keeping with the national policies for energy conservation. Wastes generated will be reprocessed or reclaimed for other productive uses to the maximum extent practicable.

(7) An understanding of the urgent need to preserve and restore the natural environment and to conserve material resources and an appreciation of the Army's support of the environmental protection effort will be fostered throughout the Army. Initiative, leadership, and cooperation in achieving these environmental objectives are encouraged of all personnel.

(8) Commanders will cooperate, to the extent practicable, in beneficial community environmental action programs.

(9) Historic and cultural sites, structures, and objects under Army jurisdiction will be preserved, restored, and maintained for the benefit and enjoyment of future generations.

(10) An integrated, multi-use, natural resources, land management program will be conducted for forests and woodlands, fish and wildlife, open space, soil, water, vegetation, outdoor recreation, natural beauty, and increased public access and nonconsumptive utilization on lands under Army jurisdiction within the provisions of AR 405–80 and AR 420–74.

(c) At locations outside the United States, Department of the Army activities will comply with the requirements of the National Environmental Policy Act as set forth in Subpart B of this part and conform at all times to the environmental quality standards of the host country, international agreements, and Status of Forces Agreements. The provisions of this regulation will be used, to the extent applicable, in fulfilling environmental protection requirements in overseas locations.

(d) When, in the interest of national defense, it is not considered practicable to comply with the foregoing policies, the matter will be referred with full particulars to HQDA (DAEN–ZCE), WASH DC 20310.

§ 650.6 Implementing guidance.

Guidance for implementing DA environmental policies are—(a) The environment must be considered as a single, integrated system characterized by the continuous interaction of air, land, and water.

(b) For planning purposes, the environmental system will be regarded as closed; nothing can be thrown away. Wastes must be either recycled and reclaimed or confined and contained so they will not migrate to re-emerge in pollutant form.

(c) Pollutants are potential resources which are out of place.

§ 650.7 Responsibilities.

(a) Army Environmental Council will—

(1) Review and redirect, as necessary, Army environmental policy and programs to insure the Army fulfills its responsibility under the National Environmental Policy Act and other Federal laws and regulations pertaining to pollution control and environmental protection.

(2) Provide policy guidance on those matters which fall within the cognizance of the Council and on such matters as referred for consideration by the Secretariat or the Army Staff.

(b) Army Environmental Committee will assist the Army Environmental Council by—

(1) Proposing new environmental policies and programs as directed by the Council.

(2) Serving as a forum for the exchange of information and ideas related to the formulation of the Army Environmental Program.

(3) Assisting in the resolution of interagency problems on environmental matters.

(4) Assisting in the formulation of Army-wide implementing instructions for the Army Environmental Program.

(5) Maintaining surveillance over the ongoing Army Environmental Program and activities.

(6) Reviewing Army Environmental Impact Statements and requests for exemption from Federal and State pollution control standards prior to formal approval by the Assistant Secretary of the Army (Civil Works).

(7) Providing reports and information as directed by the Army Environmental Council.

(c) Chief of Engineers will—

(1) Exercise primary Army Staff responsibility for directing and coordinating environmental activities within the Army.

(2) Recommend such actions as will enable DA to comply with the intent, purposes, and procedures of the National Environmental Policy Act and other Federal legislation relative to environmental quality.

(3) Apply Army environmental policy and direct programs so that applicable environmental and pollution control laws and regulations are observed in the acquisition, construction, operations, and disposal of real property.

(4) Maintain positive surveillance over and report progress of the design and construction of pollution control facilities for Army installations.

(5) Insure that environmental research and development (R&D) projects fully support the environmental program goals.

(6) Promote participation by engineer troop units in the Army's environmental program.

(7) Provide technical and engineering assistance on the pollution control aspects of construction and the Real Property Maintenance Activities.

(8) Prepare an annual Department of the Army Environmental Quality Status Report (§§ 650.9 and 650.11).

(9) Prescribe procedures in Corps of Engineers regulations to carry out the policies for Civil Works programs as found generally in 33 CFR Chapter II. The activities carried out under the Civil Works program are excluded from the provisions of this regulation (AR 200–1).

(10) Conduct, with the assistance of the Army Staff agencies concerned, a continuing review of DA statutory authority, administrative regulations, policies, procedures, and programs (including those relating to loans, grants, contracts, leases, licenses, or permits) to eliminate deficiencies or inconsistencies which might prohibit or limit full compliance with the National Environmental Policy Act of 1969, Executive Orders 11514 and 11752, DoD Instruction 4120.14 and DoD Directives 4150.7, 5030.41, 5100.50, 6050.1 and 6050.2.

(d) The Surgeon General will—

(1) Monitor, evaluate, and disseminate data on health and welfare aspects of environmental pollution within the Department of the Army to insure that the required degree of environmental enhancement is maintained.

(2) Provide health and medical policy guidance in respect to instructions and recommendations received from other Federal agencies assigned responsibility for environmental enhancement at Federal installations.

(3) Provide personnel for conducting field investigations and special studies concerning environmental pollution and recommend enhancement measures required for protection of health.

(4) Provide technical assistance and guidance on the health and environmental aspects of management and disposal of hazardous and toxic materials.

(5) Provide technical consultation to OCE and appropriate commanders on health aspects in the development of environmental enhancement policy and programs.

(e) The Chief of Information will—

(1) Insure that the public is informed of the Army's accomplishments in environmental protection and enhancement.

(2) Develop and execute a command information program designed to stimulate understanding and participation by all Army personnel.

(f) Heads of Army Staff agencies will—

(1) Integrate environmental considerations into regularly assigned staff man-

agement functions and activities to insure compliance with applicable pollution control and environmental protection laws and to demonstrate the Army's leadership in the national effort to preserve the environment.

(2) Insure that the environmental consequences of each proposed project, program regulation, or action for which they are the Army Staff proponent are assessed at an early stage of planning and are made an integral part of the decision-making process. Further, insure that environmental damage is mitigated to the maximum extent feasible.

(g) Major Army commanders will—

(1) Establish an organizational structure to plan, execute, and monitor environmental programs.

(2) Formulate and execute an environmental program which fully supports the achievement of the Army's environmental goals and objectives.

(3) Monitor and control the environmental projects and activities of the subordinate commands and the installations and activities under their jurisdiction.

(4) Review, consolidate, and forward to higher authority, reports from subordinate installations and activities concerning their environmental projects and activities.

(h) Army installation and activity commanders will—

(1) Establish an organizational structure to plan, execute, and monitor environmental programs.

(2) Formulate and execute an environmental program based on the policies set forth in § 650.5 to achieve the Army's environmnetal goals and objectives.

(3) Cooperate with State and local authorities in formulation and execution of projects and activities required to bring an installation into compliance with applicable Federal, State, and regional pollution control standards.

(4) Integrate environmental protection and preservation activities, to the fullest extent feasible, into the planning and execution of the command's basic mission.

(5) Report, as required, to major commanders on the progress and effectiveness of environmental projects and activities to detect, quantify, and correct pollution sources in accordance with published laws, standards, and guidelines.

§ 650.8 Installation, State and EPA Relationships.

(a) Federal installations are not required to comply with State or local administrative procedures with respect to pollution abatement and control. However, the majority of Federal environmental protection statutes contain provisions that require compliance with Federal, State, interstate and local substantive standards and limitations.

(b) Permits required by Federal statute, notably the National Pollutant Discharge Elimination System (NPDES) permits, will be obtained from the Environmental Protection Agency in accordance with regulations promulgated pursuant to the Federal Water Pollution Control Act and the guidance contained in this regulation.

(c) Compliance schedules required by State Implementation plan for air pollution control, reflecting the major increments of progress for projects designed to meet specified standards, will be negotiated with State regulatory authorities and coordinated with the Regional Office of EPA. When established, such compliance schedules are enforceable and may only be changed by renegotiation.

(d) Performance reports as specified in this regulation on the operation of wastewater treatment facilities, sources of air pollutant emissions, oil spills and such other reports as may be directed by DAEN-ZCE will be submitted to EPA regional authorities, as appropriate, who in turn will transmit appropriate information to State authorities. Requests for substantive reports not provided for by this regulation will be promptly referred to HQDA (DAEN-ZCE) Washington, D.C. 20310 for guidance.

(e) Military authorities are to cooperate fully with EPA, State, regional and local authorities requesting access to Army installations for the purpose of inspecting pollution control facilities and activities.

§ 650.9 Annual Status Report on Environmental Programs and Activities (RCS DD–H&E(A)1269).

HQDA (DAEN–ZCE) will prepare the DA Annual Status Report on Environmental Programs and Activities (RCS DD–H&E(A)1269). The DA report will include information on the programs and activities of the major Army commands, the Army Reserve, and the Army National Guard.

(a) Major Army commanders will submit an annual report to DAEN–ZCE not later than February 15, covering actions and activities of the preceding calendar year. The command report should be based on feeder reports from active and semi-active installations. Command and installation reports will include the information outlined in § 650.11 to the extent that it is applicable. Further, the installation report will contain information identified in § 650.11 (c), (d), (e), (f), (g), (h) and (i) for tenant activities and satellited Army Reserve facilities.

(b) The State Adjutants will submit an annual report to the Chief, National Guard Bureau not later than February 1. Negative reports are required. The Chief, National Guard Bureau will consolidate and forward reports containing facilities/sites that are not in compliance with Federal/State standards to HQDA (DAEN–ZCE) WASH DC 20310 not later than February 15. The report will contain the following information:

(1) Status of compliance with Federal/State pollution control standards for those facilities/sites which receive support from Federally appropriated funds. Those not in compliance will be listed separately with the reasons for noncompliance.

(2) Status of programs and actions by facility/site currently ongoing that will bring the facility/site into compliance with Federal/State pollution control requirements.

(3) Those requirements along with estimated cost needed to bring facilities/sites not addressed in paragraph (b)(2) of this section into compliance with Federal/State pollution control standards.

(4) Significant accomplishments by ARNG units to protect and enhance the environment.

(c) Commander in Chief USAREUR; Commanders, Eighth US Army, and US Army, Japan will submit an annual report covering only those elements of § 650.11 which may be applicable. This should include an analysis of the scope of host nation environmental quality laws and regulations, their impact on US Army installations and activities, status of compliance with specific host nation requirements, and a summary of plans to correct any deficiencies.

§ 650.10 Environmental Quality Award.

(a) *Secretary of Defense award.* The Secretary of Defense presents an annual award to the Department of Defense installation which conducted the best environmental quality program during the preceding calendar year and give recognition to other installations having particularly noteworthy programs. Department of the Army nominees will be selected by the Army Environmental Council from the list of Active Army installations nominated to receive the Secretary of the Army Award.

(b) *Secretary of the Army Award.* The Secretary of the Army will present an Environmental Quality Award to the Army installation that evidences the most noteworthy contribution to protecting and preserving the quality of the environment. The basis of selection will be the annual Status Report on Environmental Programs and Activities prepared by an installation and used as a feeder report by the major command to its overall report (RCS DD–H&E(A)1269, § 650.9).

(c) *Nominating instructions.* (1) Army commanders may nominate active or semiactive installations or separate and distinct geographically identifiable activities (e.g., USAMC depot activity and subinstallations) as candidate for the Environmental Quality Award, not to exceed the number listed below:

Command:	Number of nominees
US Army Training and Doctrine Command	3
US Army Forces Command	3
US Army Materiel Command	3
US Army Health Services Command	1
US Army Military District of Washington	1
US Army Security Agency	1
US Army Communications Command	1

(2) The list of nominations will be accompanied by six copies of each installation annual report and submitted to HQDA (DAEN–ZCE) WASH DC 20310 by March 31. Reports will be typewritten or printed, fastened or bound in folders

approximately 9 x 11 inches and narrative in style covering the topics in § 650.11.

§ 650.11 Reporting requirements.

The annual status reports required under the provisions of § 650.9 (RCS DD-H&E(A)1269) will be prepared, using the following format. Each topic will be addressed in sufficient detail to give the next higher headquarters an understanding of the overall environmental program, specific accomplishments, problem areas, and planned new initiatives.

(a) Environmental protection organization.

(1) Organizational structure for environmental matters.

(2) Staffing and management procedures.

(b) National Environmental Policy Act implementation.

(1) Summary of environmental assessments made.

(2) Environmental impact statements prepared and their status.

(c) Air pollution control.

(1) Status of compliance with applicable air quality standards.

(2) Status of corrective projects.

(3) Summary of litigation actions, if any.

(d) Water pollution control.

(1) Status of National Pollutant Discharge Elimination System (NPDES) permits requested and issued.

(2) Status of compliance with applicable water quality standards and permit provisions.

(3) Status of corrective projects.

(4) Summary of litigation actions, if any.

(e) Noise pollution control.

(1) Summary of major sources.

(2) Status of corrective measures.

(3) Summary of complaints/litigation, if any.

(f) Radiation pollution control.

(1) Summary of ionizing sources.

(2) Status of protective measures.

(g) Solid waste management.

(1) Summary of waste disposal operations.

(2) Waste recycling (equipment installed and in use, quantities and types of materials recycled, funds derived from sale of waste materials and use made of such funds).

(h) Toxic and hazardous materials management.

(1) Identification of significant toxic materials being controlled.

(2) Summary of types and protective measures for control of oil spills, disposal of toxic chemicals, etc.

(3) Identification of unique problems.

(i) Land management.

(1) Summary of conservation activities (forest, fish and wildlife management, etc.).

(2) Summary of historical and archeological sites and facilities and related preservation activities.

(3) Summary of installation attractiveness program and activities.

(j) Environmental research programs (if applicable).

(1) Summary of ongoing environmental research activities by pollution control media (air, water, etc.)

(2) Summary of technology-application activities.

(3) Identification of new research requirements.

(k) Environmental education, training and information programs.

(1) Status of individual and unit education training activities.

(2) Summary of environmental protection courses given or attended (TRADOC Report will include courses and student attendance at courses in Army School System).

(3) Summary of public information activities.

(l) Environmental enhancement activities.

(1) Summary of environmental enhancement activities and projects conducted in support of Johnny Horizon, Keep America Beautiful, Defense Community Service Program, etc. (includes activities by active and Reserve units).

§ 650.12 Executive Order 11752.

Figure 1-1 is the Presidential Executive Order dated December 17, 1973[1] which sets forth the policy and standards for the prevention, control, and abatement of environmental pollution at DA installations.

Subpart B—Environmental Considerations in DA Actions

General

§ 650.21 Purpose.

This chapter states Department of the Army policy, assigns responsibilities and establishes procedures for assessing the environmental impact of Department of the Army actions on the quality of the human environment as required by Pub. L. 91-190, "National Environmental Policy Act of 1969," January 1, 1970; and implements DOD Directive 6050.1, Environmental Considerations in DOD Actions, March 19, 1974.

§ 650.22 Background.

(a) Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190, requires that a detailed environmental impact statement (EIS) be included in "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment".

(b) Executive Order 11514, March 7, 1970, Protection and Enhancement of Environmental Quality, directs the Council on Environmental Quality (CEQ) to issue guidelines for Federal agencies on the preparation of the environmental impact statements required by section 102(2)(C) of NEPA.

(c) On August 1, 1973, the CEQ published revised guidelines for the preparation of EIS's. These guidelines contain general guidance for determining when an EIS is required.

[1] 38 FR 34793, December 19, 1973; 3A CFR, 1973 Comp., p. 240.

§ 650.23 Applicability.

(a) The provisions of this chapter apply to Headquarters Department of the Army and all Army commands and agencies (hereafter referred to as "DA agencies") and are effective immediately. The civil works functions of the Corps of Engineers are excluded from complying with these procedures.

(b) The provisions of this regulation apply to DA actions worldwide except for—

(1) Multinational actions (such as NATO) in which the DA is not the primary decisionmaking authority.

(2) Combat or combat-related activities in a combat zone, and

(3) Other emergency activities.

(c) In countries or areas not under US control or administration, DA actions, with the exception of those noted above, are subject to the environmental laws, regulations and stipulations of the foreign government concerned and whatever agreements may exist between the United States and the country involved (Status of Forces Agreements).

§ 650.24 Scope.

(a) General—The legislative history of the National Environmental Policy Act of 1969 and the guidelines of the Council on Environmental Quality define actions which are to be assessed for their environmental impact. They include, but are not limited to, the following:

(1) Recommendations or favorable report relating to legislation, including that for appropriations.

(2) Policies, regulations and procedure-making.

(3) New and continued projects and program activities—

(i) Directly undertaken by Federal agencies,

(ii) Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; and

(iii) Involving a Federal lease, permit, license, certificate, or other entitlement for use.

(b) Proposals for legislation, annual authorization requests, and favorable reports on legislation.

(1) Legislative proposals other than authorization and appropriation acts. Prior to preparing a legislative proposal, the proponent agency shall assess the environmental consequences of the proposal using the factors in this chapter. If it is determined that the proposal would significantly affect the quality of the human environment, an EIS is required and shall be submitted with the proposal.

(2) Annual budget requests. Prior to submitting annual budget requests, the environmental consequences of each line item requested for inclusion therein shall be assessed by the proponent of the action using as a minimum the factors in this chapter. For those items which are identified as major actions having a significant effect on the quality of the human environment, or which are controversial, a draft environmental impact statement shall be prepared which will

accompany the budget request through channels. Additional guidance is contained in the Budget Guidance Manual DOD 7110.1-M and DOD Instruction 7040.4 (Military Construction Authorization and Appropriation).

(3) Favorable reports on legislation.

(i) Where the Department of the Army is not the Federal agency that has primary responsibility for a legislative proposal, no EIS is required from the Army. If it is not clear from the legislative item whether the Army is the primary Federal agency responsible for the subject matter involved in the legislative item, advice should be sought from COE, DA (DAEN-ZCE).

(ii) Where the Army is the Federal agency that has primary responsibility for the subject matter involved in the legislative item, the proponent agency responsible for preparing the Army report on the item shall assess the environmental consequences of the proposal, using the factors in this chapter. If the environmental impact assessment indicates that the proposal would significantly affect the quality of the human environment, an EIS is required and should accompany the report.

(c) Policy, regulations, and procedure-making.

(1) Environmental Impact Assessments (EIA) will be made for publications including but not limited to, directives, instructions, regulations, manuals, or major policy issuances of the Department of the Army and its commands and agencies.

(2) The publication proponent, at the appropriate command level, shall assess the environmental consequences for any proposed publication, using the procedure set forth herein. If it is determined that actions required by the publication will significantly affect the environment, an EIS is required unless the publication is an implementation of a publication from OSD or a higher Army command or agency and the environmental consequence will not basically change from those already presented in an EIS prepared for the basic publication. In addition, appropriate environmental requirements will be addressed in these publications.

(3) Any Department of the Army implementation of a Federal law, of a publication of a Federal agency outside of the Department of the Army, or subsequent action taken based on the law or regulation that will significantly affect the quality of the environment, will require an EIS "unless a statement was prepared on the original publication" and the environmental consequences of the Army action will not significantly deviate from those already presented in the basic EIS.

(d) (1) Most activities take place on the typical installation on a routine or programed basis. Activities which are of a continuing nature or are projected to take place in the foreseeable future, are to be analyzed to produce an overall installation EIA. Projections on future activities at an installation can be based on the installation mission, Army Stationing and Installation Plan, ASIP, and the installation master plan. The resulting comprehensive environmental impact assessment would eliminate the need for numerous smaller scope assessments. It would remain valid until there is a major change in the installation mission, training requirements, logistic and administrative support, master plan, ASIP, applicable pollution control standards or new information becomes available on local ecological or environmental conditions that would invalidate an earlier assessment. On the basis of the overall installation environmental impact assessment, an EIS would be prepared when it is determined that the current and/or projected operations at the installation will have significant impact on the environment. DA projects and activities are generally of the following types:

(i) Construction

(ii) Repair and maintenance of real property

(iii) Procurement

(iv) Real estate acquisition, disposal or outleasing

(v) Training

(vi) Industrial operations

(vii) Research, development, test and evaluation

(viii) Administrative support

(ix) Personnel

(x) Resources recycling and conservation

(2) Projects or actions which cannot be appropriately incorporated in the installation EIA because adequate definitive information is not available will require an individual EIA or EIS.

(3) An EIA for each Army installation worldwide will be completed at the earliest practicable date.

(4) Special consideration must also be given and EIS's prepared, if appropriate, by proponents of those major procurement actions that are not normally accomplished at the installation level. Examples would include the procurement of a new combat vehicle, communications system, weapons systems or major fuel supplies. Those aspects of the actions to be included in an EIA, or an EIS if needed, are the environmental impact of any research and developemnt activities, testing operations, manufacture, transportation, maintenance, storage, use during training and disposal of the materiel being procured. In essence, the EIS covers the life cycle of the materiel. The impact of employing such equipments in combat operations is not required in the EIA or the EIS.

§ 650.25 Policies and objectives.

(a) It is the continuing policy of the Department of the Army, as a trustee of the environment, to demonstrate leadership and carry out its mission of national security in a manner consistent with national environmental standards, laws and policies. All practical means and measures will be used to minimize or avoid adverse environmental consequences and in attaining the objectives of—

(1) Providing a safe, healthful, productive, and esthetically and culturally pleasing surrounding.

(2) Attaining the widest range of beneficial uses of the environmental without degradation, risk to health or safety or other undesirable and unintended consequences.

(3) Preserving important historic, cultural, and national aspects of our national heritage and maintaining where possible an environment which supports diversity and variety of individual choice.

(4) Achieving a balance between resources use and development within the sustained carrying capacity of the ecosystem involved.

(5) Enhancing the quality of renewable natural resources and approaching the maximum attainable recycling of depletable resources.

(b) Toward this end, DA agencies shall—

(1) Assess at the earliest practical stage in the planning process and in all instances prior to the first significant point of decision, the environmental consequences of proposed actions.

(2) Review those continuing actions initiated prior to enactment of NEPA, for which the environmental consequences have not been assessed and ensure that any remaining actions are consistent with the provisions of this chapter.

(3) Utilize a systematic interdisciplinary approach in planning and decision-making.

(4) In Army planning and decision-making, consider environmental values and amenities concurrently with economic and technical considerations.

(5) Prepare and process under the criteria and procedures set forth herein a detailed EIS on every recommendation or report on proposals for legislations and other major defense actions which are expected to be environmentally controversial or could cause a significant effect on the quality of the human environment.

(6) Study, develop and describe appropriate alternatives to the recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.

(7) Recognize the worldwide and long-range character of environmental problems and, where consistent with national security requirements and the foreign policy of the United States, lend appropriate support to initiatives, resolutions and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world human environment.

(8) Refrain from taking any significant implementing steps on administrative actions until 90 days have elapsed after notification has been made in the FEDERAL REGISTER of filing the draft environmental statement and 30 days have elapsed after notification has been made in the FEDERAL REGISTER of filing the final statement, except as provided elsewhere in this chapter. The time relationships for the preparation and processing an EIS are shown in figure 2-1.

(9) On occasion, laws other than the National Environmental Policy Act require the Department of the Army to

gain approval of another Federal agency before commencing certain types of actions that may have environmental consequences. Compliance with the requirements of such laws does not relieve the responsible official from preparing and processing an EIS, if the proposed action is a major action that would significantly affect the quality of the human environment. In this connection, compliance with Pub. L. 91–190 is applicable unless existing law applicable to a specific action or activity expressly prohibits or makes compliance impossible. However, insofar as practicable, the draft EIS format should be used in complying with other laws to minimize duplication of efforts.

§ 650.26 Responsibilities.

(a) The Assistant Secretary of the Army (Civil Works) (ASA–CW) shall serve as the Secretary of the Army's responsible official for National Environmental Policy Act of 1969 (NEPA) matter.

(b) The Chief of Engineers, DA, exercises primary staff responsibility for coordinating and monitoring NEPA activities within the Army and shall—

(1) Provide assistance and advice on the preparation/processing of EIA's and EIS's.

(2) Designate a single agency or lead office having the responsibility for preparing and processing EIS's and EIA's when more than one DA agency is involved.

(3) Review and comment on draft EIS's submitted by other DOD components and other Federal agencies.

(4) Monitor issuances of the DA which have environmental implications to determine if EIS's are required and to insure that environmental considerations are built into the decisionmaking process.

(5) Maintain liaison with CEQ, the Environmental Protection Agency (EPA), the Office of Management and Budget (OMB), and other Federal agencies and State and local groups, with respect to the environmental policies affecting the Department of the Army.

(6) Maintain a current quarterly DA consolidated list of actions for which EIS's have been prepared or are under preparation, and a list of negative declarations.

(7) Retain a copy of each draft and final EIS prepared within the Department of the Army until the project or activity is completed.

(8) Direct the preparation of EIS's as appropriate.

(9) Coordinate on the technical aspects of EIS's submitted to HQDA for review and comment within those areas of assigned staff cognizance and technical capability and,

(10) For those actions or activities for which he is normally responsible, fulfill the requirements as defined in paragraph c below for HQDA staff agencies.

(c) Headquarters Department of the Army staff staff agencies shall—

(1) Apply the policies set forth in this chapter on the application of NEPA to continuing and proposed programs and projects within their staff cognizance.

(2) Publish internal procedures for the preparation and review of EIA's and EIS's for programs or projects within assigned areas of responsibility and insure that EIS's, as may be required, are prepared and processed.

(3) Insure that all regulations, directives, instructions, and other major policy publications are reviewed for environmental consequences, and, when such consequences are significant, withhold publication or issuance until the requirements concerning an EIS have been fufilled.

(4) Coordinate, as appropriate, the preparation of EIS's with other elements of the Department of the Army as well as with the OCE, Environmental Office.

(5) Access continuing and proposed programs and actions for their environmental consequences and initiate the preparation of EIS's where required.

(6) Designate, maintain and report the identity to DAEN-ZCE of the agencys' single point of contact for environmental matters.

(7) Prepare and maintain a list of administrative actions for which EIS's have been prepared or are being prepared, and compile the report of negative declarations required by § 650.27(a).

(8) As requested, assist in the review of EIA's and EISs' prepared by other Army agencies and EIS's prepared by non-Army agencies.

(9) Coordinate existing and proposed directives, instructions, regulations and major policy publications that have environmental implications with OCE (DAEN-ZCE).

(10) Determine, in accordance with the requirements contained in § 650.32, if a public hearing is necessary for the proposed action and assign the responsibility for the hearing to an appropriate office or agency.

(d) The Judge Advocate General shall provide legal advice and assistance, as requested, in the interpretation of applicable laws and regulations related to environmental matters and handle litigation before the various courts and regulatory bodies except for the civil works program of the Chief of Engineers and the other specific responsibilities assigned herein to the Chief of Engineers.

(e) The Comptroller of the Army will establish necessary procedures to ensure compliance with the requirements for environmental exhibits and data in support of annual budget request. Additionally, for those actions or activities for which the COA is normally responsible, the COA will fulfill the requirements defined in paragraph (c) of this section for all HQDA staff agencies.

(f) The Surgeon General is responsible for coordinating the health, welfare and enviroumental aspects of proposed environmental impact statements submitted to HQDA, and for preparing assessments or proposed EIS's required for actions and programs for which he is the proponent. Army commands, installations and agencies are encouraged to draw upon the special expertise, within those areas of assigned staff cognizance and technical capability, which are available within the medical department. The Surgeon General will, upon request, furnish assistance and advice in the preparation of those aspects of EIS's which involve health, welfare or environmental effects or which have monitoring implications.

(g) The Adjutant General will institute administrative procedures to preclude the publication of any policy letter, regulation or other DA issuance unless the proponent staff agency stated in writing that actions associated with implementing the publication will have no significant impact on the environment or a final EIS has been prepared and published in the Federal Register and the required time frame has passed.

(h) Major field commanders are responsible for monitoring actions and programs proposed for accomplishment within their commands or directed by higher headquarters, and assuring that appropriate EIA's or EIS's are prepared and, if necessary, forwarded to HQDA.

(i) All Army commands and agencies will—

(1) Establish internal procedures for assessing environmental consequences for continuing and proposed programs and actions for which they are the proponent agency, in accordance with the policies contained herein, and for the preparation, coordination within their technical staffs, and processing of EIA's and EIS's required for actions within their agencies.

(2) Establish internal procedures to insure that all regulations, directives, instructions, and other major policy publications for which they are the proponent agency or which implement issuances by higher headquarters, are evaluated for environmental consequences prior to publication.

(3) Establish a continuing program to assure that sufficient personnel within the command or agency are properly trained in the requirements of NEPA and the provisions of this regulation.

REPORTS

§ 650.27 Reports—RCS DD–H&E (QR) 1326, RCS DD–H&E (AR) 1327.

(a) The Department of the Army is required to report to the OSD at least quarterly those actions on which EIS's have been preapred, those under preparation, and in certain situations when it has been determined that an EIS is not required. In the latter instance, when it has been decided that an EIS is not required for a project or activity of a type described in § 650.29(b), a statement (negative declaration) must be prepared for the public record briefly setting forth this decision and the reasons for the determination. The negative declaration should be prepared and suported by an EIA in the EIS format (fig. 2–4) and kept with the project or activity file subject to forwarding to HQDA upon request. Major commands will submit in quadruplicate to HQDA (ATTN: DAEN–ZCE) a report recovering the actions discussed above and in the format shown at figure 2–2. Report will be submitted within ten (10) days follow-

ing the end of the quarter. The first report will cover the period September 1, 1973–June 30, 1974. Subsequent reports will be submitted on quarterly intervals.

(b) Major commands and HQDA staff elements will maintain cost estimates of the direct costs which are incurred solely for the purpose of preparing and processing EIS's. These estimates must be available upon request and will be identified as follows:

(1) Salaries of military and civilian personnel.

(2) Associated travel costs.

(3) Research costs directly related to the draft EIS's.

(4) Contract and consultant costs direcly related.

(5) Administrative costs, and

(6) Costs of public hearings.

(c) Reports discussed in paragraph *a* above will be submitted within ten (10) days following the end of the quarter. The initial report covers the period July 1–September 30, 1974. This reporting requirement has been assigned Report Control Symbol DD–H&E (QR) 1326.

(d) EIS's prepared in accordance with this regulation have been assigned Reports Control Symbol DD–H&E (AR) 1327.

ENVIRONMENTAL IMPACT ASSESSMENTS AND ENVIRONMENTAL IMPACT STATEMENTS

§ 650.28 General.

(a) Both the EIA and the EIS are analyses of ongoing activities or proposed plans and programs and must include systematic analyses of the environmental impact (adverse and beneficial) on land, air and water. The purpose is to identify—

(1) The environmental impact of the proposed/ongoing action.

(2) Any adverse environmental effects which cannot be avoided.

(3) Alternatives to the proposed action.

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action.

(b) Environmental Impact Assessments.

(1) The preparation of an EIA is the initial step of an environmental analysis. Its purpose is to identify whether the action (ongoing or proposed) is major and to determine if the action will have significant impact on the quality of the human environment. Further, it is to serve as the basis for determining if an EIS will be required.

(2) For the many routine actions which are largely administrative in nature, require a minimal expenditure of resources and are of generally limited scope, the EIA can be a conscientious mental evaluation with that action reported in the project or activity file. However, where documentation is required in support of a project or action, the documentation will contain a statement that an EIA has been made and that no significant environmental impact will result.

(3) For those actions not clearly identified to fall in the category outlined in paragraph (b)(2) of this section, a written EIA will be prepared. The EIA will follow the format specified for an EIS as outlined in § 650.31, except that alternative courses of action need not be analyzed when it is determined that only minimal environmental impact will result from pursuing the preferred course of action selected primarily for economic, technical or mission effectiveness reasons. (However, this exception does not absolve those responsible for implementing the action from taking every reasonable measure to minimize or mitigate any environmental impact that is inherent in the action.)

(4) In concluding any EIA, the preparer will make a specific statement on each of the following:

(i) The action is or is not major.

(ii) A significant environmental impact will or will not result from the action.

(iii) The implementation of the plan or action will or will not be environmentally controversial.

(5) The written EIA will be made available for consideration and approval by the principal decisionmaker at the level where the EIA is prepared. For those actions requiring approval of a higher level of authority, the EIA will be forwarded with the request for approval of the action so that the approving authority will be knowledgable of the environmental considerations when approving the action. Each EIA will have a cover sheet as shown in figure 2-3, signed by appropriate decisionmaking officials and the EIA will be retained on file with the agency until the action or project is completed. However, if it is determined that the action is major and will have a significant effect on the environment, an EIS will be prepared and forwarded through command channels to HQDA as specified in §§ 650.33, 650.34 and 650.35.

§ 650.29 Major actions significantly affecting the quality of the human environment (MASAQHE).

(a) General. (1) It is impossible to list categorically all DA projects or activities that are "Major Federal actions significantly affecting the quality of the human environment." In making a judgement in a particular case, it will be necessary for the proponent of the action to assess the expected environmental effects of the action in conjunction with the intent of NEPA as implemented by the CEQ and DOD. It is essential that all the environmental effects of an action be assessed, whether those effects are adverse or beneficial. In determining whether or not the effects of an action are significant, the proponent must evaluate the nature and degree of all effects on the environment. These may be significant even though the net environmental effect of the proposed action may be beneficial.

(2) DA agencies shall insure that the environmental consequences of a proposed action are fully assessed during the decisionmaking process. If the EIA indicates that the decision will either affect the environment on a large geographical scale or have a serious environmental effect in a more restricted geographical area, the proposed action shall be considered a Major Action Significantly Affecting the Quality of the Human Environment (MASAQHE), and the decision shall be deferred until Federal agencies possessing special expertise or persons affected by the environmental effects of the decision have had an opportunity to present their view. It is necessary to consider not only the degree of effect on the environment but also the scope of the action and the potential effect of the action on other persons. The following examples are provided to assist in defining MASAQHE.

(i) An action that will influence subactivities in many subordinate units, and the subactivities will each affect the environment, is probably a MASAQHE even though a single subactivity by itself may not be in that category. For example, a limited maneuver or training exercise by small elements of a command might not be a major action, nor would it normally affect the environment significantly. However, if a major command or HQDA intended to publish a regulation that includes provisions prescribing the environmental considerations that were to be given to the planning of all training exercises or maneuvers of the command for an indefinite period of time, then it might be expected that such a regulation would have a significant effect on the quality of the environment because it would govern numerous activities which individually would have some effect on the environment. Thus the regulation should be construed to be a MASAQHE.

(ii) A major realignment plan of the Army involving numerous installations or activities could be a MASAQHE. In this instance, the impact at one installation may be small but because of the numerous installations involved, the overall plan impact may be significant, especially insofar as the secondary impacts are concerned. Although the secondary socioeconomic impacts are generally insufficient by themselves to require an EIS, these factors should be included in the event that an EIS is required.

(iii) An example of an action that should be classified as a MASAQHE because of a localized effect is an extremely noisy activity to be conducted near a residential area, where the resulting noise might seriously affect the comfort of residents of the area over an extended period. In keeping with the intent of NEPA, no decision should be made to take any action until those residents have been given an opportunity to present their views and their views have been carefully considered. Ongoing noisy activities should be given the same type study and review as given to planned or proposed activities.

(b) The types of actions listed below require close environmental scrutiny because of the possibility that they may

either affect the quality of the environment or create environmental controversy. It is desirable in such cases to have a complete presentation of the environmental aspects of the proposed action available for any interested party. For this reason, consideration should be given to documenting the environmental effects of the following types of actions in writing. (The written EIA need not be elaborate for those actions determined to be minor and for which prudent nonbiased judgment would readily determine that the impact would not be significant. However, negative declarations must be supported by written EIA's which generally meet the EIS format requirements.)

(1) Development or purchase of a new type of aircraft, ship or vehicle.

(2) Development or purchase of a new weapon system.

(3) Real estate acquisition, disposal and outgrants.

(4) Major construction projects.

(5) New installations (bases, posts, etc.) or continued operation of major existing installations or ranges.

(6) Production, storage, transportation, testing or disposal of lethal chemical munitions, and pesticides.

(7) Mission changes and troop deployments which precipitate long-term population increases or decreases in any area with special attention to the secondary impacts which may cause indirect environment impact.

(8) Large quarrying, or earth-moving operations.

(9) Constructing or installing fences of other barriers that might prevent significant migration or free movement of wildlife.

(10) Proposed construction of new sanitary landfills, incinerators and sewage treatment plants.

(11) Existing or changes to master plans.

(12) Proposed construction or acquisition of new family housing.

(13) Dredging, and other similar activities in the water.

(14) Training exercises on or off Federal property, where significant environmental damages might occur regardless of unit sizes.

(15) Opening areas that were previously closed to the public or closing or limiting of areas that previously were open to public use, such as roads or recreational areas.

(16) Proposed construction on flood plains or construction that may cause increased flooding erosion or sedimentation, activities on wetlands or proposals which could alter the wetlands environmental value.

(17) Channelization of streams, diversion or impoundment of water.

(18) Disposal of significant quantities of POL waste products.

(19) Proposed construction of roads, transmission lines or pipelines.

(20) New, revised, or established regulations, directives or policy guidance concerning activities that could have an environmental effect. Regulations, directives, or policy guidance which limit any of the alternative means of performing the actions on this list.

(21) Any action which, because of real, potential or purported adverse environmental consequences, is a subject of controversy among people who will be affected by the action, or which, although not the subject of controversy, is likely to create controversy when the proposed action becomes known by the public.

(c) Even though a written EIA supports the conclusion that an action is not a MASAQHE, an EIS is to be written on a proposed action which is highly controversial because of environmental aspects. The EIS should be based on the information contained in the EIA.

§ 650.30 Environmental effects.

The proponent of the action should consider all aspects of the action to determine if it will interfere unreasonably with the living conditions of man, wildlife, or marine life, or with any ecosystems on an immediate, short-range or long-range basis. Examples of some factors that may be applicable are—

(a) *Effects on water quality to include*—

(1) Surface resources.

(2) Subsurface resources.

(3) Water supply treatment.

(4) Sewage treatment.

(5) Regulatory standards (water quality, effluent, toxic or hazardous substances, sedimentation, temperature alteration, etc.)

(b) *Effects on air quality to include*—

(1) Fixed pollution sources (heating plants).

(2) Mobile pollution sources (vehicles, aircraft).

(3) Regulatory standards (ambient, point source, emissions of toxic or hazardous substances or significant amounts of other pollutants).

(c) *Effects of noise to include*—

(1) Continuous (background) noise sources.

(2) Impact noises (weapons firing).

(3) Regulatory standards (worker safety, community noise).

(d) *Effects of solid waste to include*—

(1) Types and sources.

(2) Disposal methods.

(3) Regulatory standards (landfill, incinerator).

(e) *Effects of hazardous and toxic substances to include*—

(1) Types and sources (explosives, chemicals, etc.).

(2) Disposal methods.

(3) Regulatory standards.

(f) *Effects on energy resources to include*—

(1) Types used.

(2) Expansion capability.

(g) *Land use.*

(1) Current land usage patterns (on and off installation) including population density, neighborhood character, zoning, aesthetics, recreation and,

(2) Erosion and flooding controls.

(h) *Ecology.*

(1) Aquatic life.

(2) Animal life.

(i) Species.

(ii) Population.

(3) Endangered species.

(4) Wetlands.

(5) Vegetation.

(i) Open space.

(ii) Forrested areas.

(6) Management.

(i) *Cultural quality.*

(1) Archeological sites and remains.

(2) Historical structures and sites.

(3) Natural sites and remains.

(j) *Preservation.*

(1) Resources recycling.

(2) Conservation measures.

Preparation of Environmental Impact Statement

§ 650.31 General.

The following directions for the preparation of EIS's will be followed to assure general uniformity in preparing statements. DA agencies will institute procedures for identifying definite decision points for determining the need to formally submit an environmental statement. In developing and obtaining the necessary information to prepare an Environmental Impact Statement, early consultation within DA and with other Federal, State and local governmental and private organizations is encouraged. The statement is to be based on the EIA and should—

(a) Carefully detail environmental impacts, alternatives, and implications of proposed projects and activities and should provide reviewers insight into the particulars associated with the action. Reviewers will expect the statements to be a valid source of information on the proposed action, as well as a reflection of how the proponent views environmental factors and seeks to accommodate them. Since the statements are to be made available to the public it must be assumed that they will receive careful scrutiny.

(b) Systemically present the environmental impacts and sufficiently described the physical and environmental aspects to permit independent appraisal and evaluation of the proposal. It should be simple and concise, yet include all pertinent facts. Length will depend upon the particular proposal and the nature of its impacts.

(c) Not be limited to ultimate conclusions, but contain a thorough evaluation of all factors affecting the potential environmental impact of the proposal that will reasonably justify the conclusions presented.

(d) Be a complete and objective appraisal of the beneficial and adverse environmental effects of available alternatives, rather than a justification for the proposal. In no case should adverse effects, either real or potential, be ignored or slighted in an attempt to justify an action previously recommended. Similarly, care must be taken to avoid overstating favorable effects.

(e) Indicate at appropriate points in the text supporting and related underlying studies, reports and other information obtained and considered in preparing the EIS including applicable cost benefit analyses. Requirements by other

statutes such as the Fish and Wildlife Conservation Act, and the National Historic Preservation Act should be combined with the EIS. Care should be taken to insure that the EIS remains an essentially self-contained document, capable of being understood by the reader without the need for undue cross-reference. If the case references are not easily accessible, the statement should indicate how the information may be obtained.

§ 650.32 Content of the EIS.

The EIS statement must fulfill and satisfy, to the fullest extent possible at the time the draft is prepared, the requirements established for a final EIS. The body of the EIS shall contain the following separable sections (see fig. 2–4) with the length of each being adequate to identify and develop the required information.

(a) *Introduction*—(1) *Project description.* A description of a proposed action, a statement of its purposes, and a description of the environment affected, including information summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analyses and data should be avoided in the body of the draft impact statement. Such materials should be attached as appendixes with adequate bibliographic references.

(2) *Existing environment of proposed site.* The EIS should succinctly describe the environment of the area affected as it exists prior to a proposed action, including that of other Federal activities in the area affected by the proposed action which are related to the proposed action. Because the interrelationships and cumulative environmental impacts of the proposed action are to be identified later in the EIS, the amount of detail provided in such decriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decisionmaking (planning, feasibility, design, etc.). In order to insure accurate descriptions and EIS, site visits should be made where feasible. The proponent agency or command should also take care to identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives. In discussing these population aspects, consideration should be given to using the rates of growth in the region of the project contained in the projection compiled for the Water Resources Council by the Bureau of Economic Analyses of the Department of Commerce and the Economic Research Service of the Department af Agriculture (the "OBERS" projection). In any event, it is essential that the sources of data used to identify, quantify or evaluate any and all environmental consequences be expressly noted.

(b) *Relationship of proposed action to land use plans, policies and controls for the affected area.* This requires a discussion of how the proposed action may conform or conflict with the objectives and specific terms of approved or proposed Federal, State, and local land use plans, policies, and controls, if any, for the area affected including those developed in response to the Clean Air Act or The Federal Water Pollution Control Act Amendments of 1972. Where a conflict or inconsistency exists, the EIS should describe the extent to which the DA agency has reconciled its proposed action with the plan, policy or control, and the reasons why they decided to proceed not withstanding the absence of full reconciliation.

(c) *The probable impact of the proposed action on the environment.* (1) This analysis is to include the positive and negative effects of the proposed action as it affects the concerned local and/or State environment, but where applicable, may affect the national and international (Mexico, Canada and other countries) environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Among factors to consider should be the potential effect of the action on such aspects of the environment as those listed in § 650.30. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

(2) Secondary or indirect, as well as primary or direct, consequences for the environment should be included in the analysis. Many major Army actions, in particular those that involve the construction of new installations or the expansion of existing installations stimulate or induce secondary effects, in the form of associated investments and changed patterns of social and economic activities outside an installation. Such secondary effects, through their impacts on existing community facilities and activities through inducing new facilities and activities, or through changes in natural conditions, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth impacts should be estimated if expected to be significant and an evaluation made of the effect of any possible change in population patterns or growth upon the resource base, including land use, water, and public services, of the area in question.

(d) *Alternatives.* Alternatives to the proposed action, including, where relevant, those not within the existing authority of the Department of the Army. A rigorous exploration and objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, is essential. Sufficient analysis of such alternatives and their environmental benefits, costs and risks should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might enhance environmental quality or have less detrimental effects. Examples of such alternatives include: The alternative of taking no action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts; alternatives related to different designs or details of the proposed action which would present different environmental impacts (e.g., cooling ponds vs. cooling towers for a power plant or alternatives that will significantly conserve energy); alternative measures to provide for compensation of fish and wildlife losses, including the acquisition of land, waters, and interests therein. In a proposed draft EIS, the proponent may decide to favor an alternative or reserve judgment until comments are received from relevant commenting entities. In each case, the analysis should be sufficiently detailed to reveal the agency's comparative evaluation of the environmental benefits, costs and risks of the proposed action and each reasonable alternative. Where an existing EIS already contains such an analysis, its treatment of alternatives may be incorporated in the new EIS provided that such treatment is current and relevant to the precise purpose of the newly proposed action.

(e) *Any probable adverse environmental effects which cannot be avoided should the proposal be implemented.* This should be a brief section summarizing in one place those effects that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how other avoidable adverse effects will be mitigated.

(f) *The relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity.* This section should contain a brief discussion of the extent to which the proposed action involved tradeoffs between short-term environmental gains and the expense of long-term losses, or vice versa, and a discussion of the extent to which the proposed action forecloses future options. In this context, short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

(g) *Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.* Identify the extent to which the action irreversibly curtails the range of potential uses of the environment. Avoid construing the term "resources" to mean only the labor and materials devoted to an action. "Resources" also means the natural and cultural resources committed to loss or destruction by the action.

(h) *Considerations that offset the adverse environmental effects.* Indicate the extent to which these stated countervail-

ing benefits could be realized by following responsible alternatives to the proposed action. In this connection, cost benefit analyses of proposed actions should be attached, or summaries thereof, to the environmental impact statement, and should clearly indicate the extent to which environmental costs have not been reflected in such analyses.

(i) *Summary sheet.* The EIS shall be accompanied by an executive summary sheet which must provide the following information:

(1) Indicate whether the EIS is draft or final.

(2) Give the names of the action, provide a brief description of it and indicate what geographical region (States and counties) is particularly affected.

(3) Indicate whether it is an administrative or legislative action.

(4) Summarize the environmental impact and adverse environmental effects.

(5) List alternatives considered.

(6) (i) (For draft EIS's) List all Federal, State and local agencies from which comments are being requested.

(ii) (For final EIS's) List all Federal, State, and local agencies and other sources from which written comments have been received.

(7) Provide the dates the draft statement and final statements were made available to the CEQ and the public.

PROCESSING ENVIRONMENTAL IMPACT STATEMENTS

§ 650.33 General.

(a) EIS's will be processed as displayed in figure 2–5. Both draft and final EIS's will be approved at HQDA by the OSA for filing with the CEQ, release to the Congress and Federal, State and local authorities and to others outside DA for comment or use. Approval will be obtained using normal staffing procedures by the functional staff agency which is proponent for the basic action in coordination with OCE (DAEN–ZCE) (see fig. 2–6). OCE may request that the Army Environmental Committee review the EIS for actions which have controversial, unusual, or Army-wide environmental impacts.

(b) Draft EIS's will be reproduced and forwarded to HQDA in sufficient copies for official distribution to Federal, State and local agencies; internal DA staffing; and release to private organizations and individuals that may request same. Final EIS's will be distributed as indicated in §§ 650.36 and 650.37. Also, sufficient extra copies (estimate of 30) will be produced for distribution to individuals, universities, private organizations, etc., that may request copies subsequent to approval of the action.

(c) EIS's are subject to the requirements of DOD Directive 5200.1–R, Information Security Program Regulation, pertaining to the identification, safeguarding, and dissemination of classified information and to DOD Directive 5230.9, Clearance of DOD Public Information, pertaining to security review for public review for public release approval. EIS's, both draft and final, which contain classified information, shall be prepared, safeguarded, and disseminated in accordance with the usual requirements applicable to classified information (DOD Directive 5200.1–R). However, when feasible, the EIS's shall be organized in such a manner that classified portions can be included as annexes, so that the unclassified portions can be made available to the public.

(d) EIS's that have significant public affairs, implications will be coordinated with OCINFO, HQDA.

(e) Until a draft EIS is approved for filing with CEQ and circulating for comment, a protective cover sheet (see fig. 2–7) will be used.

§ 650.34 Draft environmental impact statements.

(a) *Statements on administrative actions.* The processing of draft EIS's for filing with CEQ and circulating for comment will be accomplished by the HQDA functional staff proponent agency. The following distribution will be made for draft EIS's:

(1) One (1) copy, OCE (DAEN–ZCE)
(2) One (1) copy, OASA(CW).
(3) Three (3) copies, OASD(H&E)
(4) Five (5) copies, CEQ
(5) One (1) copy, EPA, Washington DC
(6) Six (6) copies, EPA Regional Office that has administration over the area in which the action will take place.
(7) Two (2) copies minimum, appropriate Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved. Figure 2–8 lists the Federal agencies according to their areas primary cognizance.
(8) Two (2) copies, State and local agencies authorized to develop and enforce environmental standards when the proposed action affects matters within their jurisdiction. These copies shall be sent to the appropriate State and regional or metropolitan clearinghouses in accordance with the procedures prescribed in OMB Circular No. A–95 unless the Governor of the State involved has designated some other point of contact for obtaining the State and local agency reviews. The clearinghouses are listed in the Directory of State, Metropolitan, the Regional Clearinghouses under OMB Circular No. A–95 (Revised) of April 19, 1971 (OCE (DAEN–ZCE) should be contacted, when appropriate, to obtain current information).
(9) Two (2) copies to cognizant Committees of the House and Senate in support of legislative proposals not pertaining to budget submissions (also see paragraph (b) of this section).
(10) EIS's are to be made available to relevant public commenting entities free of charge or at a fee which is not more than the actual cost of reproducing copies required to be sent to Government agencies.
(11) At such time as the draft EIS is forwarded to the CEQ, other Federal, State, and local agencies, it shall be made available to the public (to any organization or individual upon request) free of charge or, upon request, at a fee which is not more than the actual cost of reproducing copies required to be sent to Government agencies.

(b) *Statements on legislative actions.* Three (3) copies of each draft EIS concerned with the annual budget request must accompany the budget submission through the Comptroller review process to OSD. In those instances where it has been determined that a project or activity will not have a significant impact on the environment, such determination must be stated on the project/activity request. Additional guidance is provided in the Budget Guidance Manual DOD 7110.1-M and DOD Instruction 7040.4. It is the responsibility of the HQDA Budget Director to provide required draft EIS's to the appropriate Congressional Commitees at the time the legislative request is forwarded to the Congress. Distribution of the draft EIS to other agencies and to the public for comment shall be withheld until the legislative request has been forwarded to the Congress. However, if the draft EIS does not divulge the fiscal year or the monetary amount involved, it can be distributed for comment when approved by the Assistant Secretary of the Army (Civil Works).

§ 650.35 Circulation for comment.

(a) Circulation of a draft EIS for comment serves as a guard against objective errors or excessive bias. Further, it makes available expert knowledge from other agencies and the public which can assist the Army in its efforts to protect the environment.

(b) The HQDA staff agency requesting review and comments may establish a time limit of not less than 45 days for reply after CEQ publishes notice of the proposed action in the FEDERAL REGISTER. If the agency consulted does not reply within the established time limit, it may be presumed that the agency has no comment to make, unless a specific request for an extension of time has been made. Requests for extensions of time up to 15 days may be granted by DA unless the urgency of the action precludes such a delay. In determining the length of the review period, consideration will be given to magnitude and complexity of the statement and the possible extent of citizen interest.

(c) Public hearings. (1) Informal public hearings shall be conducted by the proponent HQDA staff agency or its delegate to obtain representative views from the various segments of the public when it is determined that the proposed action covered by the draft EIS is highly controversial. Such hearing will be publicly announced through local news media. Copies of the draft EIS will be made available to the public at least 15 days prior to the hearing.

(2) No public hearings need be held in connection with proposed legislation in view of the opportunity for public hearings in connection with Congressional consideration of the bill.

(3) Informal public hearings may be appropriate in the following situations:

(i) Where the proposed action by the agency will have a direct or peculiar im-

pact on the people residing in a particular geographical area in terms of magnitude of economic costs of commitment of resources.

(ii) Where public organizations or members of the public possess expertise concerning the impact of the action that may not otherwise be available.

(iii) Where no overriding consideration of national security or time makes it illegal or impracticable to involve such organizations or members of the public in the consideration of a proposed action in which a high degree of interest by the public or other Federal, State or local authority is evidenced by a written request that a hearing be held.

§ 650.36 Final EIS.

(*a*) Final EIS's are prepared after receipt of review comments provided by other agencies and the public. In many cases, the final EIS's can be prepared by making minor revisions to the draft EIS and attaching the review comments received from other sources. In other cases, it may be necessary to provide a discussion of problems and objections raised by other Federal, State and local agencies and by private organizations and individuals and the disposition of the issues involved. Along with the comments received, this discussion will be appended to the final text of the EIS.

(*b*) Distribution of the final EIS shall be as follows:

(1) Five (5) copies, OCE (DAEN-ZCE).

(2) One (1) copy, OASA(CW).

(3) One (1) copy, OASD(H&E).

(4) Five (5) copies, CEQ.

(5) Five (5) copies, appropriate Congressional Committees of the Senate and House of Representatives on final statements relating to section 412 Pub. L. 86-149, as amended, or the annual Military Construction Authorization Bill.

(6) One (1) copy to those who filed substantive comments on the corresponding draft statement.

(c) Supplementing or amending a draft or final EIS. A proponent agency may at any time supplement or amend a draft or final EIS. This should be accomplished when substantial changes are made in the proposed action or significant new information becomes available concerning its environmental aspects. The proponent agency should consult with OCE (DAEN-ZCE) with respect to the possible need for or desirability of recirculating the EIS.

§ 650.37 Time restrictions.

(*a*) Draft EIS will be prepared, furnished to the CEQ, and circulated for comment early enough before an action needs to be taken to permit meaningful consideration of the environmental issues involved. To the maximum extent practicable, no administrative action (i.e., any prposed action to be taken, other than proposals for legislation or reports on legislation) shall be taken sooner than 90 days after notice has been published in the FEDERAL REGISTER that CEQ has received the draft EIS and that it has been circulated for comment, and, except where advance public disclosure will result in significantly increased costs of procurement, made available to the public. Nor shall such administrative action be taken sooner than 30 days after notice of the final text of the EIS (together with comments) has been published in the FEDERAL REGISTER and the final EIS has been made available to commenting agencies and the public. The minimum 30-day and 90-day periods may run concurrently to the extent that they overlap. See figure 2-1.

(*b*) When it is not practical for a proponent agency to comply with the time requirements above, the proponent DA agency may request HQDA (DAEN-ZCE) to request a waiver of a portion of the time requirement for that specific action. Such a request will contain an explanation of the facts and circumstances to justify the waiver and staffing through OSD to CEQ.

§ 650.38 Review of EIS prepared by another Federal agency.

(*a*) EIS's will be referred to the Department of the Army by other Federal agencies for review when a proposed action may affect matters over which DA has jurisdiction by law, or where a proposed action may have environmental effects in an area where DA has been identified to possess special expertise.

(*b*) Comments by the Army on an EIS prepared by another Federal agency will, as a minimum, address the aspect of the action for which the statement was referred. The comments should be organized in a manner consistent with the structure of the draft statement stating the recommended changes and reasons for change. Modification to the proposed action and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impact are appropriately included. In addition, the comments should indicate whether any Army projects are planned that are not identified in the draft EIS and are sufficiently advanced in planning and related environmentally to the proposed action so that a discussion of the environmental interrelationships should be included in the final EIS. Comments should indicate the value of any monitoring of the environmental effects of the proposed project that appear particularly appropriate.

(c) DA review and comment on an EIS prepared by another Federal agency will be coordinated by OCE (DAEN-ZCE). When a request for review and comment is received directly by a DA agency other than OCE, that agency shall reply through OCE (DAEN-ZCE).

§ 650.39 Related publications.

At table 2-1 is a list of related publications. Some of these publications will be of assistance to the agency preparing a proposed draft EIS while others such as Office of Management and Budget Circular A-95 and the Directory of State, Metropolitan and Regional Clearinghouses, under A-95 will be of assistance to only a few HQDA agencies.

TABLE 2-1

Public Law 91-190, "National Environmental Policy Act of 1969," January 1, 1970.

Pub. L. 91-604, "Clean Air Amendments of 1970," December 31, 1970.

Section 409 of Pub. L. 91-121, "Armed Forces Appropriation Authorization, 1970," November 19, 1969, as amended by section 506 of Pub. L. 91-441, "Armed Forces Appropriation Authorization, 1970," October 7, 1970.

Executive Order 11514, "Protection Enhancement of Environmental Quality," March 7, 1970 (35 FR 46, 4247 (1970)).

Executive Order 11752, "Prevention Control, and Abatement of Environmental Pollution at Federal Facilities," December 17, 1973.

Executive Office of the President, Council on Environmental Quality, "Preparation of Environmental Impact Statements," August 1, 1973.

Executive Office of the President, Office of Management and Budget, "Proposed Federal Actions Affecting the Environment," Bulletin No. 71-3, August 31, 1970.

DOD Directive 5100.50, "Protection and Enhancement of Environmental Quality," May 24, 1973.

DOD Directive 5500.5, "Natural Resources—Conservation and Management," May 24, 1965 (32 CFR Part 263).

Executive Office of the President, Office of Management and Budget, Circular No. A-95 (Revised), February 9, 1971 (Parts I and II).

"Directory of State, Metropolitan and Regional Clearinghouses," under OMB Circular No. A-95 (Revised, April 19, 1971).

Pub. L. 86-149, "To Authorize Certain Construction at Military Installations and for Other Purposes," August 10, 1959.

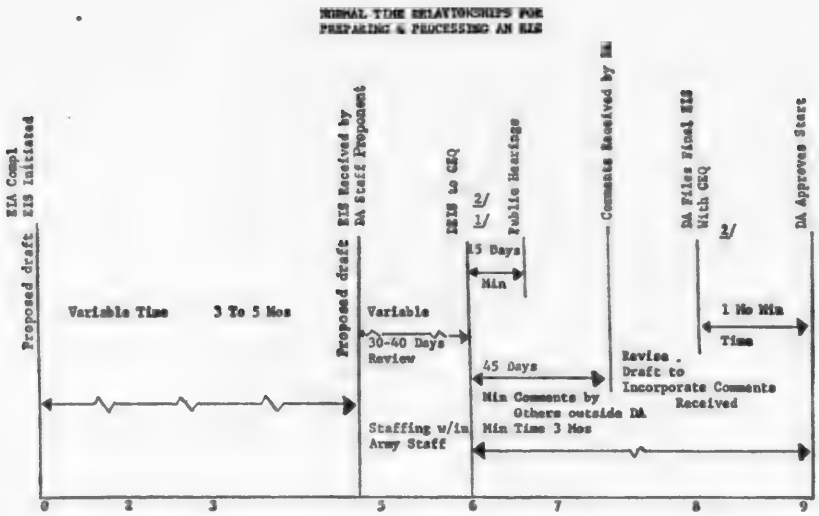
DOD Directive 5200.1-R, "Information Security Program Regulation," July 1972, authorized by DOD Directive 5200.1, June 1, 1972 (32 FR 159).

DOD Directive 5230.9, "Clearance of DOD Public Information," December 24, 1966.

DOD Directive 5400.7, "Availability to the Public of DOD Information," June 23, 1967 (32 FR 286).

DOD Directive 7040.4, "Military Construction Authorization and Appropriations," July 16, 1971.

DOD Directive 6050.1, Environmental Considerations in DOD Actions, March 19, 1974.



1/ DEIS Draft EIS (Proposed draft EIS becomes DEIS when approved by responsible DA officials)

2/ Effective control date is the date that notice of the receipt by CEQ of the draft or final EIS is published in the Federal Register (usually within one week of receipt by CEQ).

Figure 2-1

QUARTERLY CEQ REPORT DEPARTMENT OF THE ARMY (INCLUSIVE DATES)

(a) Final Statements
Subject: Date filed:

(b) Draft Statements
Subject: Date filed:

(c) Statements Under Preparation
Subject: Projected date:

(d) Lists of Actions for which a statement is not required:

(i) Actions which normally require a statement:

a Subject, date of determination.

b Brief reason for determination.

(ii) Actions similar to those for which a significant number of statements have been filed:

a Subject, date of determination.

b Brief reason for determination.

(iii) Actions previously announced as requiring a statement:

a Subject, date of determination.

b Brief reason for determination.

(iv) Actions for which the CEQ requested a statement:

a Subject, date of determination.

b Brief reason for determination.

(e) List of actions for which statements are not yet timely.[1]

Subject Date of evaluation

Figure 2-2

[1] Actions or activities which have been evaluated by the proponent agency and that agency has concluded that preparation of an EIS is not yet timely.

EXAMPLE

DEPARTMENT OF THE ARMY

ARMY COMMAND OR AGENCY

ENVIRONMENTAL IMPACT ASSESSMENT OR DRAFT ENVIRONMENTAL IMPACT STATEMENT

OR

FINAL ENVIRONMENTAL IMPACT STATEMENT

TITLE

INSTALLATION OR AGENCY

Date Prepared

Prepared by:

NAME AND POSITION TITLE

Approved by:

COMMANDER (COMMAND) INSTALLATION OR HIS DESIGNEE AND OFFICE

Approved by:

COMMANDER (COMMAND) OR HIS DESIGNEE AND OFFICE

Approved by:

OSA

Figure 2-3

OUTLINE FOR EIS CONTENT

A. INTRODUCTION

1. Project description
a. Purpose of action
b. Description of action
(1) Location and setting of the activity
(2) Summary of activities
2. Environmental setting
a. Environment prior to proposed action
b. Other related Federal activities

B. LAND-USE RELATIONSHIPS

a. Conformity or conflict with other land-use plans, policies and controls
(1) Federal, state, and local
(2) Clean Air Act and Federal Water Pollution Control Act Amendments of 1972
b. Conflicts and/or inconsistent land-use plans
(1) Extent of reconciliation
(2) Reasons for proceeding with action

C. PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT

a. Positive and negative effects
(1) Regional environmental and national/international environment where applicable
(2) Environmental factors to be considered
(3) Impact of proposed action
b. Direct and indirect consequences
(1) Primary effects
(2) Secondary effects

D. ALTERNATIVES TO THE PROPOSED ACTIONS

a. Reasonable alternative actions
(1) Those that might enhance environmental quality
(2) Those that might avoid some or all adverse effects
b. Analysis of alternatives
(1) Benefits
(2) Risks

E. PROBABLY ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

a. Adverse and unavoidable impacts
b. How avoidable adverse impacts will be mitigated

F. RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

a. Trade-off between short-term environmental gains at expense of long-term losses
b. Trade-off between long-term environmental gains at expense of short-term losses
c. Extent to which proposed action forecloses future options

G. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

a. Unavoidable impacts irreversibly curtailing the range of potential uses of the environment
(1) Materials
(2) Natural
(3) Cultural

H. NATIONAL DEFENSE CONSIDERATIONS THAT MUST BE BALANCED AGAINST THE ADVERSE ENVIRONMENTAL EFFECTS OF THE PROPOSED ACTION

a. Benefits of proposed action
b. Benefits of alternatives

Figure 2-4

EXAMPLE

FINAL DIAGRAM ENVIRONMENTAL IMPACT STATEMENTS

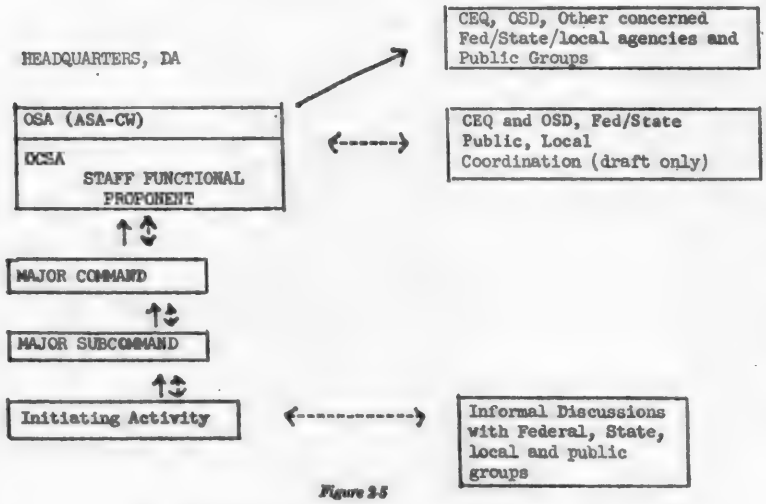
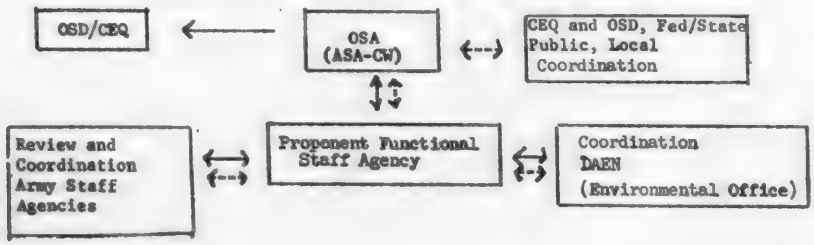

HEADQUARTERS, DA
OSA (ASA-CW)
OCSA
STAFF FUNCTIONAL PROPONENT
MAJOR COMMAND
MAJOR SUBCOMMAND
Initiating Activity
CEQ, OSD, Other concerned Fed/State/local agencies and Public Groups
CEQ and OSD, Fed/State Public, Local Coordination (draft only)
Informal Discussions with Federal, State, local and public groups

Figure 2-5

FLOW DIAGRAM ENVIRONMENTAL IMPACT STATEMENTS WITHIN HQ, DA


OSD/CEQ
OSA (ASA-CW)
CEQ and OSD, Fed/State Public, Local Coordination
Review and Coordination Army Staff Agencies
Proponent Functional Staff Agency
Coordination DAEN (Environmental Office)

Key

— — — Draft EIS

———— Final EIS

Figure 2-6

PROTECTIVE COVER SHEET

The material contained in the attached Environmental Impact Statement is for internal coordinating use only and may not be released to non-Department of Defense agencies or individuals until coordination has been completed and the material has been cleared for public release by appropriate authority.

EXAMPLE

NOTE: This cover sheet will be removed when the DEIS is approved by HQDA.

Figure 2-7

AREAS OF ENVIRONMENTAL IMPACT AND FEDERAL AGENCIES AND FEDERAL STATE AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT THEREON

AIR—AIR QUALITY

Department of Agriculture—
Forest Service (effects on vegetation)
Atomic Energy Commission (radioactive substances)
Department of Health, Education, and Welfare
Environmental Protection Agency
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion)
Bureau of Sport Fisheries and Wildlife (effect on wildlife)
Bureau of Outdoor Recreation (effects on recreation)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
National Aeronautics and Space Administration (remote sensing, aircraft emissions)
Department of Transportation—
Assistant Secretary for Systems Developing and Technology (auto emissions)
Coast Guard (vessel emissions)
Federal Aviation Administration (aircraft emissions)
FEA (energy and mobile sources emissions)

WEATHER MODIFICATION

Department of Agriculture—
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Department of the Air Force
Department of the Interior—
Bureau of Reclamation

WATER RESOURCES COUNCIL—WATER—WATER QUALITY

Department of Agriculture—
Soil Conservation Service
Forest Service
Atomic Energy Commission (radioactive substances)
Department of the Interior—
Bureau of Reclamation
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
Geological Survey
Office of Saline Water
Enviromental Protection Agency
Department of Health, Education, and Welfare
Department of Defense—
Army Corps of Engineers
Department of the Navy (ship pollution control)
National Aeronautics and Space Administration (remote sensing)
Department of Transportation—
Coast Guard (oil spills, ship sanitation)
Department of Commerce—
National Oceanic and Atmospheric Administration
Water Resources Council
River Basin Commissions (as geographically appropriate)

Figure 2-8

FISH AND WILDLIFE

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce—
National Oceanic and Atmospheric Administration (marine species)

Department of the Interior—
Bureau of Sport Fisheries and Wildlife
Bureau of Land Management
Bureau of Outdoor Recreation
Environmental Protection Agency

SOLID WASTE

Nuclear Regulatory Commission (radioactive waste)
Department of Defense—
Army Corps of Engineers
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Mines (mineral waste, mine acid waste, municipal solid waste, recycling)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Geological Survey (geologic and hydrologic effects)
Office of Saline Water (demineralization)
Department of Transportation—
Coast Guard (ship sanitation)
Environmental Protection Agency
River Basin Commissions (as geographically appropriate)
Water Resources Council

NOISE

Department of Commerce—
National Bureau of Standards
Department of Health, Education, and Welfare
Department of Housing and Urban Developments (land use and building materials aspects)
Department of Labor—
Occupational Safety and Health Administration
Department of Transportation—
Assistant Secretary for Systems Development and Technology
Federal Aviation Administration, Office of Noise Abatement
Environmental Protection Agency
National Aeronautics and Space Administration

RADIATION

Nuclear Regulatory Commission
Department of Commerce—
National Bureau of Standards
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Mines (uranium mines)
Mining Enforcement and Safety Administration (uraniur mines)
Environmental Protection Agency

HAZARDOUS SUBSTANCES—TOXIC MATERIALS

Nuclear Regulatory Commission (radioactive substances)
Department of Agriculture—
Agricultural Research Service
Consumer and Marketing Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense
Department of Health, Education, and Welfare
Environmental Protection Agency

MARINE POLLUTION, COMMERCIAL FISHERY CONSERVATION, AND SHELLFISH SANITATION

Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Army Corps of Engineers
Office of the Oceanographer of the Navy
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
Bureau of Land Management (outer continental shelf)
Geological Survey (outer continental shelf)
Department of Transportation—
Coast Guard
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
Water Resources Council
River Basin Commissions (as geographically appropriate)

WATERWAYS REGULATION AND STREAMS MODIFICATION

Department of Agriculture—
Soil Conservation Service
Department of Defense—
Army Corps of Engineers
Department of the Interior—
Bureau of Reclamation
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
Geological Survey
Department of Transportation—
Coast Guard
Environmental Protection Agency

FOOD ADDITIVES AND CONTAMINATION OF FOODSTUFFS

Department of Agriculture—
Consumer and Marketing Service (meat and poultry products)
Department of Health, Education, and Welfare
Environmental Protection Agency

PESTICIDES

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production)
Consumer and Marketing Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (fish and wildlife effects)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Reclamation (irrigated lands)
Environmental Protection Agency

TRANSPORTATION AND HANDLING OF HAZARDOUS MATERIALS

Nuclear Regulatory Commission (radioactive substances)
Department of Commerce—
Maritime Administration
National Oceanic and Atmospheric Administration (effects on marine life and the coastal zone)
Department of Defense—
Armed Services Explosive Safety Board
Army Corps of Engineers (navigable waterways)
Department of Transportation—
Federal Highway Administration, Bureau of Motor Carrier Safety
Coast Guard
Federal Railroad Administration
Federal Aviation Administration
Assistant Secretary for Systems Development and Technology
Office of Hazardous Materials
Office of Pipeline Safety
Environmental Protection Agency

ENERGY SUPPLY AND NATURAL RESOURCES DEVELOPMENT—ELECTRIC ENERGY DEVELOPMENT, GENERATION, AND TRANSMISSION, AND USE

Nuclear Regulatory Commission (nuclear)
Department of Agriculture—
Rural Electrification Administration (rural areas)
Department of Defense—
Army Corps of Engineers (hydro)
Department of Health, Education, and Welfare (radiation effects)
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Bureau of Land Management (public lands)
Bureau of Reclamation
Power Marketing Administrations
Geological Survey
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Environmental Protection Agency
Federal Power Commission (hydro, transmission, and supply)
Federal Energy Administration (FEA)
River Basin Commissions (as geographically appropriate)
Tennessee Valley Authority
Water Resources Council

PETROLEUM DEVELOPMENT, EXTRACTION, REFINING, TRANSPORT, AND USE

Department of the Interior—
Office of Oil and Gas
Bureau of Mines
Geological Survey
Bureau of Land Management (public lands and outer continental shelf)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife)
Bureau of Outdoor Recreation
National Park Service
Department of Transportation (Transport and Pipeline Safety)
Environmental Protection Agency
Interstate Commerce Commission
Federal Energy Administration

NATURAL GAS DEVELOPMENT, PRODUCTION, TRANSMISSION, AND USE

Department of Housing and Urban Development (urban areas)
Department of the Interior—
Office of Oil and Gas
Geological Survey
Bureau of Mines
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Transportation (transport and safety)
Environmental Protection Agency
Federal Power Commission (production, transmission, and supply)
Interstate Commerce Commission
Federal Energy Administration

COAL AND MINERALS DEVELOPMENT, MINING, CONVERSION, PROCESSING, TRANSPORT, AND USE

Appalachian Regional Commission
Department of Agriculture—
Forest Service
Department of Commerce
Department of the Interior—
Office of Coal Research
Mining Enforcement and Safety Administration

Bureau of Mines
Geological Survey
Bureau of Indian Affairs (Indian lands)
Bureau of Land Management (public lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Labor—
Occupational Safety and Health Administration
Department of Transportation
Environmental Protection Agency
Interstate Commerce Commission
Tennessee Valley Authority
Federal Energy Administration

RENEWABLE RESOURCE DEVELOPMENT, PRODUCTION, MANAGEMENT, HARVEST, TRANSPORT, AND USE

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce
Department of Housing and Urban Development (building materials)
Department of the Interior—
Geological Survey
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Transportation
Environmental Protection Agency
Federal Energy Administration
Interstate Commerce Commission (freight rates)

ENERGY AND NATURAL RESOURCES CONSERVATION

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce—
National Bureau of Standards (energy efficiency)
Department of Housing and Urban Development—
Federal Housing Administration (housing standards)
Department of the Interior—
Office of Energy Conservation
Bureau of Mines
Bureau of Reclamation
Geological Survey
Power Marketing Administration
Department of Transportation
Environmental Protection Agency
Federal Power Commission
General Services Administration (design and operation of buildings)
Tennessee Valley Authority
Federal Energy Administration

LAND USE AND MANAGEMENT—LAND USE CHANGES, PLANNING AND REGULATION OF LAND DEVELOPMENT

Department of Agriculture—
Forest Service (forest lands)
Agricultural Research Service (agricultural lands)
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (wildlife refuges)
Bureau of Outdoor Recreation (recreation lands)
National Park Service (NPS units)
Department of Transportation
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)

PUBLIC LAND MANAGEMENT

Department of Agriculture—
Forest Service (forests)
Department of Defense
Department of the Interior—
Bureau of Land Management
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (wildlife refuges)
Bureau of Outdoor Recreation (recreation lands)
National Park Service (NPS units)
Federal Power Commission (project lands)
General Services Administration
National Aeronautics and Space Administration (remote sensing)
Tennessee Valley Authority (project lands)

PROTECTION OF ENVIRONMENTALLY CRITICAL AREAS—FLOODPLAINS, WETLANDS

BEACHES AND DUNES, UNSTABLE SOILS, STEEP SLOPES, AQUIFER RECHARGE AREAS, ETC.

Department of Agriculture—
Agricultural Stabilization and Conservation Service
Soil Conservation Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration (coastal areas)
Department of Defense—
Army Corps of Engineers
Department of Housing and Urban Development (urban and floodplain areas)
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Outdoor Recreation
Bureau of Reclamation
Bureau of Sport Fisheries and Wildlife
Bureau of Land Management
Geological Survey
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)
Water Resources Council

LAND USE IN COASTAL AREAS

Department of Agriculture—
Forest Service
Soil Conservation Service (soil stability, hydrology)
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and coastal zone management)
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits)
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Sport Fisheries and Wildlife
National Park Service
Geological Survey
Bureau of Outdoor Recreation
Bureau of Land Management (public lands)
Department of Transportation—
Coast Guard (bridges, navigation).
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)

REDEVELOPMENT AND CONSTRUCTION IN BUILT-UP AREAS

Department of Commerce—
Economic Development Administration (designated areas)
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Department of Transportation
Environmental Protection Agency
General Services Administration
Office of Economic Opportunity

DENSITY AND CONGESTION MITIGATION

Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Outdoor Recreation
Department of Transportation
Environmental Protection Agency

NEIGHBORHOOD CHARACTER AND CONTINUITY

Department of Health, Education, and Welfare
Department of Housing and Urban Development
National Endowment for the Arts
Office of Economic Opportunity

IMPACTS ON LOW-INCOME POPULATIONS

Department of Commerce—
Economic Development Administration (designated areas)
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Office of Economic Opportunity

HISTORIC, ARCHITECTURAL AND ARCHEOLOGICAL PRESERVATION

Advisory Council on Historic Preservation
Department of Housing and Urban Development
Department of the Interior—
National Park Service
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
General Services Administration
National Endowment for the Arts

SOIL AND PLANT CONSERVATION AND HYDROLOGY

Department of Agriculture—
Soil Conservation Service
Agricultural Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Army corps of Engineers (dredging, aquatic plants)
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Land Management
Bureau of Sport Fisheries and Wildlife
Geological Survey
Bureau of Reclamation
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)[1]
Water Resources Council

OUTDOOR RECREATION

Department of Agriculture—
Forest Service
Soil Conservation Service

Department of Defense—
Army Corps of Engineers
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Bureau of Land Management
National Park Service
Bureau of Outdoor Recreation
Bureau of Sport Fisheries and Wildlife
Bureau of Indian Affairs
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)[1]
Water Resources Council

Subpart C—Water Resources Management

General

§ 650.51 Purpose.

This chapter sets forth guidance and procedure for the DA implementation of the Federal Water Pollution Control Act of 1972 (FWPCA) (Pub. L. 92–500) and the water pollution control regulations promulgated by the U.S. Environmental Protection Agency, U.S. Coast Guard, U.S. Army Corps of Engineers and State and regional water pollution control authorities. Additional guidance regarding discharge of hazardous and toxic materials appears in Subpart F of this part.

§ 650.52 Goals and objectives.

The Department of Army goal is to conserve water resources and protect them from contamination by controlling all sources of pollutants in accordance with applicable Federal, State or regional standards and vigorously contribute to the attainment of the national goal of eliminating the discharge of pollutants by 1985. Inherent in this goal are the following objectives:

(a) Identify, treat, monitor, control and dispose of all waterborne wastes produced by Army fixed and mobile facilities in accordance with published Federal, State and regional standards.

(b) Conserve water resources used in the conduct of basic activities on all Army installations by instituting economy measures and by reuse when practicable.

(c) Minimize soil erosion and attendant pollution caused by rapid and uncontrolled runoff into streams and rivers.

(d) Provide drinking water that satisfies the potability standards published by the U.S. Environmental Protection Agency (EPA) as interpreted by The Surgeon General of the Army (see § 650.57).

(e) Comply with the provisions of the Federal Water Pollution Control Act (Pub. L. 92–500) by obtaining and complying with permits issued by EPA under the National Pollutant Discharge Elimination System (NPDES) and the Corps of Engineers for the discharge of dredged or fill material.

(f) Comply with the provisions of the Marine Protection, Research and Sanctuaries Act of 1972 (Pub. L. 92–532) by obtaining and complying with permits issued by EPA for the discharge of any material other than dredged material into ocean waters and by the Corps of Engineers for the discharge of dredged material into ocean waters.

§ 650.53 Explanation of terms.

(a) National Pollutant Discharge Elimination System (NPDES). The system for issuing and conditioning permits under a schedule of compliance and denying permits for the discharge of pollutants from point sources into the navigable waters, which is administered by the Administrator of the Environmental Protection Agency pursuant to sections 402 and 405 of Pub. L. 92–500. The following additional terms have the following meanings with respect to the NPDES program and the FWPCA:

(1) *Pollutant.* Solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water. It does not mean "sewage from vessels."

(2) *Point source.* Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(3) *Discharge of a pollutant.* Any addition of any pollutant to navigable waters from any point source.

(4) *Permit.* Any permit or equivalent document or requirement issued by the Environmental Protection Agency to regulate the disposal of pollutants.

(5) *Schedule of compliance.* A schedule of remedial measures including sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard.

(6) *Navigable waters.* All navigable waters of the United States (except the territorial seas); tributaries of navigable waters of the United States; interstate waters; intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce; and intrastate lakes, rivers, and streams which are utilized for industrial purposes by industries in interstate commerce.

(b) *Treatment works.* Any facility, method or system for the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes of a liquid nature, including waste in combined storm water and sanitary sewer systems.

(c) *Material into ocean waters.* Matter of any kind or description, but not limited to solid waste, incinerator residue, garbage, sewage, sewage sludge, munitions, radiological, chemical, and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wrecked or discarded equipment, rock, sand, excavation debris, and industrial, municipal, agricultural, and other waste. It does not mean oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredge material and does not mean sewage from vessels including human body wastes and wastes from toilets and other receptacles intended to receive or retain body wastes.

(d) *Ocean waters.* Those waters of the open seas lying seaward of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

(e) *Dredged material.* Any material excavated or dredged from navigable waters.

(f) *Fill material.* Any material deposited or discharged into navigable waters which may result in creating fastlands or other planned elevations of lands beneath navigable waters of the United States.

(g) *Navigable waters of the United States.* Waters which are subject to the ebb and flow of the tide, or which were used in the past, are presently used, or are susceptible to use as a means to transport interstate commerce. See 33 CFR 209.260 for a more complete definition of this term.

§ 650.54 Policy.

It is the policy of the Army to:

(a) Conserve all water resources.

(b) Control or eliminate all sources of pollutants to navigable waters or groundwaters by on-post treatment of wastes by joining regional or municipal sewage treatment systems or by employing recycling processes.

(c) Comply with applicable Federal, State and regional pollutant effluent limitation standards.

(d) Demonstrate leadership in attaining the national goal of zero pollutant discharge.

(e) Provide drinking water that satisfies the potability standards published by the Public Health Service/EPA as interpreted by The Surgeon General of the Army (TSG) (§ 650.57).

(f) Cooperate with Federal, State and regional authorities in the formulation and execution of water pollution control plans.

(g) Comply with the requirements for permits for the discharge of pollutants into navigable waters (section 402 of the FWPCA and implementing regulations in 40 CFR Part 125); the transportation of material (other than dredged material)

[1] River Basin Commissions (Delaware, Great Lakes, Missouri, New England, Ohio, Pacific Northwest, Souris-Red Rainy, Susquehanna, Upper Mississippi) and similar Federal-State agencies should be consulted on actions affecting the environment of their specific geographic jurisdictions.

In all cases where a proposed action will have significant international environmental effects, the Department of State should be consulted, and should be sent a copy of any draft and final impact statement which cover such action.

for the purpose of dumping it in ocean waters (section 102 of the Marine Protection, Research and Sanctuaries Act of 1972 and implementing regulations in 40 CFR Part 220); and for activities in or affecting navigable or ocean waters including the discharge of dredged or fill material in navigable waters of the United States and the ocean disposal of dredged material (sections 9 and 10 of the River and Harbor Act of 1899, section 404 of the FWPCA, and section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 and implementing regulations in 33 CFR 209.120).

§ 650.55 Responsibilities.

(a) The Chief of Engineers will exercise Army staff responsibility for directing and coordinating the Army water pollution abatement program for both fixed and mobile facilities. Specifically the Chief of Engineers will—

(1) Promulgate policy and regulations on water resources management which reflect Department of Defense guidance and pertinent provisions of water pollution control laws.

(2) Develop long range policies on wastewater treatment to achieve the 1983 water quality objectives and 1985 goals of Pub. L. 92–500.

(3) Manage the identification, reporting, engineering, design and construction of projects required to control and monitor discharges in accordance with applicable Federal, State and regional water quality standards.

(4) Monitor water conservation practices for the purpose of identifying new potential uses for wastewater and methods for reducing water consumption.

(5) Publish policies on the control and disposal of sewage, galley, bilge and marine engine wastes.

(6) Provide guidance and direction to Army facilities in the preparation of applications for operating permits required by the FWPCA, Marine Protection, Research and Sanctuaries Act of 1972, and River and Harbor Act of 1899.

(7) Monitor the status of all FWPCA and ocean dumping permits and reports submitted in accordance with permit provisions.

(8) Coordinate the promulgation of new or revised water criteria and standards with TSC.

(9) Monitor master plans, construction plans and activities, and natural resource conservation activities to control surface water runoff and minimize erosion.

(10) Review and comment on NPDES and ocean dumping permits issued by EPA to Army installations.

(b) The Surgeon General will—

(1) Monitor health and welfare aspects of water and wastewater control criteria and standards promulgated by Federal and State agencies.

(2) Establish and conduct water supply surveillance programs to insure the maintenance of adequate potable water for Army installations.

(3) Accumulate, evaluate and disseminate information on water pollution conditions that may adversely affect the health of man and animals.

(4) Conduct field investigations and special studies to determine the effectiveness of wastewater treatment and recommend corrective measures when appropriate.

(5) Provide technical consultation on the health, welfare, and environmental aspects of water and wastewater treatment programs and activities.

(6) Coordinate the development of water and wastewater treatment standards, procedures, surveys and studies with the Chief of Engineers.

(7) Review and comment on NPDES and ocean dumping permits issued by EPA to Army installations.

(8) Assist the Chief of Engineers in the formulation of plans and design criteria for water monitoring systems.

(9) Maintain a record of all FWPCA and ocean dumping permits issued to Army installations, perform a technical evaluation of FWPCA and ocean discharge monitoring reports received, and notify submitting installations of noted deficiencies.

(10) Report semi-annually on the status of NPDES permits and NPDES discharge monitoring reports to the HQDA (DAEN–ZCE) Washington, DC 20310, (RCS–ENG 237).

(c) Major Army Commands (MACOMS) have the responsibility to insure that they and their subordinate elements develop programs which will—

(1) Identify, quantify and report all sources of water pollution and take appropriate action to eliminate or reduce them to acceptable levels. This applies to all Army facilities to include all buildings, installation structures, land, utilities, equipment, aircraft, vessels and other vehicles and property controlled by or constructed or manufactured for the purpose of leasing to the Army.

(2) Program and budget funds for remedial water pollution control projects to insure compliance with applicable standards by statutory imposed dates.

(3) Establish routine wastewater control monitoring programs to insure compliance with discharge limitations established by regulatory agencies and adherence to proper waste treatment operational procedure as specified in TM 5–665, TM 5–814–3, and TM 5–814–6.

(4) Obtain permits from the appropriate EPA Regional Administrator for all discharges of pollutants from installations and activities into navigable waters as required by NPDES and for the transportation of materials for the purpose of dumping them into ocean waters and comply fully with the provisions of such permits.

(5) Obtain permits from the appropriate District Engineer for all other actions in or affecting navigable waters of the United States, including the discharge of dredeged or fill material in such waters, and for the transportation of dredged material for the purpose of dumping it in ocean waters.

(6) Control the discharge of sewage and bilge waste from vessels in accordance with U.S. Coast Guard, EPA, DOD or state regulations.

(7) Control the runoff of surface waters to minimize soil erosion, downstream flooding and pollution of waterways by sediments and contaminants.

(8) Conserve water resources by instituting regulatory measures where needed and by the judicious use of wastewater for consumptive purposes.

(9) Provide all personnel with drinking water that meets the quality standards specified by The Surgeon General.

(10) Commander, U.S. Army Materiel Command will develop appropriate pollution control devices and retrofit vessels in the inventory required to meet specified standards.

§ 650.56 Related publications.

(a) Pub. L. 92–500; Federal Water Pollution Control Act Amendments of 1972 (84 Stat. 100, 33 U.S.C. 1163).

(b) Pub. L. 92–532; Marine Protection, Research, and Sanctuaries Act of 1972.

(c) Rivers and Harbors Act of 1899 (33 U.S.C. 401–413).

(d) Executive Order 11752, "Prevention, Control and Abatement of Environmental Pollution at Federal Facilities," December 17, 1973.

(e) TB 55–1900–206–14, Control and Abatement of Pollution by Army Watercraft.

STANDARDS AND PROCEDURES

§ 650.57 Water supply standards.

Potable water supply standards must meet, as a minimum, the standards set by the U.S. Public Health Service (42 CFR 72.201–207)/EPA as interpreted by The Surgeon General of the Army (TB MED 229).

§ 650.58 Water quality standards.

(a) Under the provisions of Pub. L. 92–500 it is the responsibility of the States to establish water quality standards and formulate an overall plan for achieving and enforcing these water quality standards. These criteria are based on the quality of water necessary to achieve and maintain use classifications of water such as recreation, fish and wildlife propagation, public water supply, and industrial and agricultural uses. States are also required to establish effluent discharge limitations necessary to achieve and maintain the desired use classification. For Army installations, implementation and enforcement of the applicable Federally or State developed effluent limitations, and water quality standards are accomplished by the regional headquarters of the Environmental Protection Agency through the National Pollutant Discharge Elimination System.

(b) The following effluent limitations are minimum standards which have been established pursuant to Pub. L. 92–500. More stringent effluent limitations may be established by the Administrator, EPA, to attain or maintain the water quality standards established by the State. Permissible effluent limitations, whether based on Federal or State water quality standards or on water quality criteria will be specified by the EPA Regional Administrator in the NPDES permit issued for each point of discharge.

§ 650.59 Effluent limitations.

(a) Domestic waste water effluents:

(1) As an interim limitation, all effluents from predominately domestic sources will be receiving the equivalent of secondary treatment as a minimum by July 1, 1977.

(2) By July 1, 1983, domestic wastewater limitations will be based on the best practicable waste treatment technology. Planning for 1983 discharge requirements will be clarified pending case by case evaluation of EPA criteria for 1983 which should be contained in NPDES permits to be issued in the 1977–1980 time frame. It may be assumed that the 1983 standards would require some form of advanced wastewater treatment, i.e., phosphate, nitrate or carbonate removal; very low values of biochemical/chemical oxygen demand, suspended solids and fecal coliform bacteria; and minimal fluctuations in pH and temperature.

(b) Industrial wastewater effluents.

(1) As an interim limitation all effluents from existing industrial sources will be treated by processes employing the "best practicable control technology currently available" by July 1977. Guidelines and standards defining effluent limitations for best practicable control technology currently available are published under 40 CFR Parts 401 through 447. At present only two industrial categories apply to Army activities; these are 40 Part CFR 413, Electro, plating, and 40 CFR Part 415, Inorganic Chemicals. EPA will publish regulations in the form of effluent limitations guidelines and standards of performance and pretreatment for ammunition production facilities at a later date. DAEN–ZCE will issue guidance as appropriate.

(2) By July 1, 1983, treatment of existing industrial wastewater effluents will employ the "best available technology economically achievable." Effluent limitations based on the best available technology economically achievable have been defined and are published in previously mentioned 40 CFR Parts 401 through 447.

(3) Effluent limitations for new sources are in most cases based on best available technology economically achievable and, therefore must necessarily meet the "1983 standards." These effluent limitations are also published with the guidelines and standards in 40 CFR Parts 401 through 447.

(c) *Oil.* The discharge of oil or effluents containing oil is limited by the quality determined to be harmful to the public health or welfare; or by applicable water quality standards; or by the amount which will cause a film or sheen upon a discoloration of the surface of the water or adjoining shorelines; or cause a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines (40 CFR Part 110 and Subpart F of this Part).

(d) *Pretreatment Standards (40 CFR Part 128).* Non-domestic wastewater effluents from Army installations which are discharged to regional or municipal sewage treatment works must comply with the following limitations:

(1) Effluents will be treated sufficiently to remove wastes which: (i) would create a fire or explosion hazard, (ii) have pH lower than 5.0, (iii) would obstruct flow in sewers or interfere with proper operation of the works or (iv) are introduced at an excessive flow or pollutant discharge rate likely to interfere with proper treatment.

(2) If the characteristics of the effluent qualify the Army installation as a "major contributing industry" and the effluent contains "incompatible pollutants" then the effluent will be pretreated prior to discharge, employing technology described in § 650.59(b) (1), (2) or (3) depending on whether the effluent is from an existing or new source. Such pretreatment is necessary to prevent the discharge of any pollutant into regional or municipal treatment works which may interfere with, pass through or otherwise be incompatible with such works.

(e) *Toxic and hazardous pollutants.* The EPA determines and publishes a list of toxic and hazardous pollutants and issues effluent or dumping limitations for these substances. Limitations often include absolute prohibition against discharge. Both the Surgeon General and the Chief of Engineers will maintain a list of such pollutants for which effluent guidelines are issued or are pending and will monitor suspected toxic pollutants until a decision on the actual effects is made. The discharge of these toxic pollutants from all Army facilities will comply with the limitations set by the EPA. In all cases, the discharge of a suspected toxic pollutant will be strictly controlled or prohibited until a determination is made as to the potential dangers involved and effluent limitations are established by the EPA and The Surgeon General of the Army.

(1) *Prohibited substances.* The toxic pollutants which have been prohibited from effluent discharges are listed in 40 CFR Part 129, EPA Regulations on Listing Toxic Pollutants. Other prohibited substances which may not be ocean dumped are listed in 40 CFR 227.21.

(2) *Hazardous substances.* The EPA listing of hazardous substances which are subject to strict effluent limitations will be addressed in 40 CFR Part 116.

(f) *Thermal pollution.* Thermal discharges are subject to the best practicable and best available control technology requirements, as are other non-domestic pollutants. Thermal pollutant standards vary depending on temperature of the receiving water, the temperature and relative volume of the effluent, and effects such discharges will have regarding the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the receiving water. Therefore, cases which involve thermal pollution are highly individual and are generally limited to large sources of thermal pollution such as steam electric power plants (40 CFR Part 423).

(g) *Watercraft.* Effluent limitations from watercraft are established by the U.S. Coast Guard, Department of Defense (Department of Navy is the lead agency for DOD), EPA (40 CFR Part 140) and the States. Department of Army vessels: except those acquired and/or operated by the Civil Works appropriations of the U.S. Army Corps of Engineers, will comply with standards and procedures set by the Office, Secretary of Defense and by TB 55–1900–206–14, Control and Abatement of Pollution by Army Watercraft. Civil Works vessels will comply with U.S. Coast Guard standards of performance and certification.

(1) *Non-domestic waste discharge limitations.* Non-domestic waste (i.e., bilge, fuels; lubricants and other non-human wastes) discharges to navigable waters is prohibited. (40 CFR Part 110). Exempt from this prohibition are discharges of oil from properly functioning vessel engines, provided such normal discharges are not deemed harmful.

(2) *Domestic waste discharge limitations.* EPA in 40 CFR Part 140, establishes federal effluent limitation standards for the discharge of sewage from vessels. To meet these standards, the U.S. Coast Guard has established certification procedures, design and construction requirements and dates for compliance for equpping vessels with marine sanitation devices (33 CFR Part 159). Marine sanitation devices and systems under development or procurement for new vessels or to replace existing equipment should be carefully selected with "no discharge" as a possible parameter and that full consideration be given to systems based on holding tanks rather than actual treatment systems.

§ 650.60 Ocean dumping standards.

The Marine Protection, Research and Sanctuaries Act of 1972 (Pub. L. 92–532) and EPA prohibit the dumping of certain materials into ocean waters and controls the dumping of all other materials. Army controlled activities will comply with the regulations and standards set by this act and notify HQDA (DAEN–ZCE) WASH DC 20310 of all permit requests. (40 CFR Parts 220–227 and 33 CFR 209.120).

§ 650.61 Activities in navigable waters or ocean waters.

The construction of any structure in or over any navigable water of the United States, the excavation from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition or capacity of such waters must have prior approval of the Chief of Engineers or his authorized representative. Authority for such work is provided by issuance of a permit. Policy, practice and procedures are contained in 33 CFR 209.120.

§ 650.62 Storage of hazardous materials.

Storage facilities for materials which are hazardous to health, and for oils, gases, fuels or other materials capable of causing water pollution, to either surface or ground waters, if accidentally discharged, will be so located as to minimize or prevent such spillage. Measures necessary to entrap spillage, such as catchment areas, relief vessels, of entrapment dikes, will be installed so as to prevent and/or contain accidental pol-

lution of water (Subparts F and I of this part).

§ 650.63 Water supply treatment procedures.

Water supplies will be monitored and, where necessary, treated in accordance with AR 420–46, Water and Sewerage, TB MED 229; AR 115–21, Hydrologic Services for Military Purposes and AR 115–20, Field Water Supply.

§ 650.64 Water conservation.

(a) *Reduce consumption.* All uses of water will be periodically surveyed and action taken to reduce water consumption wherever possible. The design and construction of new facilities and processes will consider minimized consumption of water, in particular potable water, as a major parameter. Vegetation and landscaping will be selected for the particular climate and geographical location so as to minimize or eliminate the need for irrigation.

(b) *Reuse-recycle.* In addition to reducing initial water consumption, water conservation measures will include the re-use or recycling of wastewater whenever practicable. The design methodology for new or for modification of old facilities and processes will identify potential re-use or recycling of wastewater alternatives and such alternatives will be selected whenever it is determined economically competitive with "once through" processes. Examples include closed cycle cooling systems for power plants and the use of land based sewage treatment systems.

(c) *Erosion Control.* Operations will be scheduled and designed to reduce or eliminate the destruction of vegetation and other ground cover which prevents erosion and stream siltation. Siting of new facilities will consider topography and soil conditions to reduce construction in areas sensitive to erosion. Construction techniques and methods that minimize erosion will be identified in all construction contracts and design/construction specifications. Large parking lots, roof areas, aircraft facilities and roads which result in rapid runoff will be minimized wherever practicable. Periodic surveys will be made to identify areas where erosion has occurred and action will be initiated to control further erosion such as planting vegetation; controlling and, where necessary, impounding stormwater from areas of rapid runoff.

§ 650.65 Minor industrial and municipal operations.

Wastewater discharge from minor industrial and municipal facilities such as wash racks, engine steam cleaning operations, water treatment plant backwash, swimming pool filter backwash and other similar activities will be connected to the sanitary sewer wherever feasible. It should be noted that effluent from these activities not connected to sanitary sewers requires an NPDES discharge permit. To eliminate costly and difficult treatment and monitoring programs all possible efforts should be directed to connnecting with the sanitary lines. At remote locations, a holding tank may be used which is sized to hold all drainage between pumpouts. After pumpout, the wastewater will be transported to another location for treatment and disposal. Other alternatives include onsite treatment which would require a discharge permit, or a closed cycle system which would treat and re-use the wastewater. In the latter case, if there were no discharges, a permit would not be required.

§ 650.66 NPDES permits.

The NPDES permit program (40 CFR Part 125) requires that all discharges of pollutants from point sources into navigable waters, (§ 650.53(a)(6)), will be regulated by a discharge permit. This applies to domestic and industrial wastewater. The permit requirement does not extend to discharges from separate storm sewers except where the storm sewers receive industrial, municipal and agricultural wastes or runoff or where the storm runoff discharge has been identified by the Regional Administrator, the State water pollution control agency, or an interstate agency as a significant contributor of pollution. Also exempted are Army controlled properties (except when needed for public use) which are leased to contractors or others under authority of 10 U.S.C. 2667. It is the administrator of the lease who will monitor and institute corrective actions as necessary to insure that the leasee obtains and adheres to the NPDES permit.

(a) *Permit application.* When it is determined that an NPDES permit is required, permit applications will be requested from the applicable EPA Regional Office.

(b) *Draft permits.* A draft permit will be issued based on the permit application. The draft permit will contain effluent limitations necessary to meet water quality standards; compliance schedules identifying dates on when the effluent limitations will be met, monitoring programs identifying type of pollutant to be monitored, method of sampling and analysis, frequency of sampling; and method and frequency of reporting monitoring program results.

(c) *Draft permit review.* EPA is required to provide copies of the draft permit to the installation commander, the state, and the general public for review and comment. In general there will be not less than thirty (30) days in which to provide comment before the final permit is issued. MACOMS will provide copies of all NPDES permits (both draft and final) received from EPA to the U.S. Army Environmental Hygiene Agency, ATTN: HSE–EW, Aberdeen Proving Ground, MD 21010. USAEHA will accomplish: (1) a technical review of each NPDES permit received, (2) provide advice or assistance to the installation commander, (3) through appropriate command channels establish liaison with the EPA, as necessary, to clarify and discuss permit conditions, and (4) provide written comment back to the permittee for subsequent passage of written comments to the appropriate EPA Regional Office. Installation commanders will report potential problems arising from the terms of the permits which could impact on the operational capability of the installation to the HQDA (DAEN–FEU) Washington, DC 20314 through appropriate command channels. In addition, the permits will contain instructions pertaining to reporting changes in quality or quantity of wastewater.

(d) *Monitoring reports.* The terms of the permit will, in general, require the monitoring of all wastewater discharges and a periodic report to the EPA Regional Administrator, National Pollutant Discharge Elimination System Discharge Monitoring Report (RCS EPA–1002). In order to determine the effectiveness of the treatment and monitoring programs, copies of all monitoring reports will be forwarded to the USAEHA, ATTN: HSE–EW Aberdeen Proving Ground, MD 21010. Reports are made in accordance with frequency prescribed by each NPDES permit on form EPA 3320–1 (10–72). Forms are available from appropriate EPA Regional Office. (See figure 9–1 and table 9–3 for location and addresses).

(e) *Compliance schedules.* (1) NPDES permits will contain a schedule of compliance with regard to any discharge which is not in compliance with applicable effluent standards and limitations, applicable water quality standards, and other applicable requirements. This schedule will be rigidly enforced. The terms of the permit will, in general, require that the permittee provide the EPA Regional Administrator with written notice of the permittee's compliance not later than 14 days following each interim date of compliance. Copies of this notice will be provided to the operating command and to USAEHA.

(2) In the event of noncompliance with the interim or final requirements, the permittee will immediately provide written notification to the EPA Regional Administrator with information copies to the appropriate operating command, USAEHA and DAEN–ZCE and where necessary, will request a revision to the compliance schedule following the procedure established under 40 CFR 125.23.

(f) *Installations discharging to regional or municipal treatment works.* Permits are not normally required for discharge of domestic wastewater to regional or municipal sewage treatment facilities. However, those installations which find that pretreatment prior to discharge is required may be required to file for a permit.

(g) *Inspections.* The EPA Regional Administrator may, under authority of 40 CFR 125.13 and 125.22, make site visits and inspections (1) for the purpose of evaluating facilities prior to issuance of an NPDES permit and (2) for the purpose of monitoring compliance with the terms of an issued permit.

(h) *Cooperation with state and regional authorities.* The EPA Regional Administrator, or his designated representative has full and legal authority to make site inspections of Army facilities.

However, installation commanders will on the basis of reasonable, specific requests extend the same privileges to authorized state and regional pollution control authorities.

(i) *Security restrictions.* When representatives from Federal, State, or regional environmental pollution control agencies inspect facilities, examine operating records, and make tests to determine adherence to environmental performance specifications, security requirement must be met and the inspectors will be accompanied by either engineer or medical technical representatives designated by the appropriate major Army commander.

(j) *Information requests.* The EPA regional office is the responsible Federal agency regarding enforcement of all water pollution control requirements at Federal facilities in that region. Water pollution control information emanating from Federal facilities should go through the applicable EPA regional office. Therefore, requests for permit related information by state or regional authorities or by responsible members of the general public, should be directed to the applicable EPA regional office (Subpart A of this part).

§ 650.67 Ocean dumping permits.

Permits for the dumping or discharge of materials into ocean waters, other than transportation of dredged material for purpose of dumping in ocean waters, are issued by the EPA. There are two types of permits, one which governs a general category of dumping and one which governs the dumping of special materials. The Administrator of EPA can issue general permits. The authority for issuing most special permits has been delegated to the EPA Regional Offices. Controls governing ocean dumping can be found in 40 CFR Parts 220 through 227, "Regulations and Criteria, Transportation for Dumping, and Dumping of Material into Ocean Waters." Most permits require information on the type of pollutant or effluent being discharged or dumped, its quantity and frequency and location of discharge. Permits require monitoring and documentation.

§ 650.68 Corps of Engineers permits.

The construction of any structure in or over a navigable water of the United States, the excavating from or depositing of dredged or fill material in such waters, the accomplishment of any other work affecting the course, condition, location, or capacity of such waters, the discharge of dredged or fill material in navigable waters, and the transportation of dredged material for the purpose of dumping it in ocean waters requires a permit from the Corps of Engineers and will be processed in accordance with 33 CFR 209.120. Application for this permit is made to the local District Engineer. Applications are available from Corps of Enginers District Offices and will be completed for all projects or activities not under the design and supervision of the Chief of Engineers.

§ 650.69 State permits.

(a) Cooperating with and providing information to State and regional authorities does not include making application for State permits of any kind nor obtaining a water quality certification from the State for any activity involving the discharge of a pollutant into navigable waters. Where information or data is to be provided a State authority on a prescribed registration form and authenticated, Army installation commanders will comply with all reasonable requests and forward same with a disclaimer that:

> While Federal law does not require military installations to apply for State permits or obtain State water quality certifications, this installation is desirous of complying with the objectives of State and Federal pollution control programs. However, completion of this form is not to be construed as an application for permit. To the best of my knowledge, the information presented herein is correct.

Under unusual circumstances, when the installation commander considers it prudent to respond contrary to the above guidance, request for waiver will be submitted through appropriate command channels to HQDA (DAEN–ZCE) WASH DC 20310.

(b) In all cases, waiver request will include a legal opinion by the staff judge advocate of the installation concerned or of the next higher command having a staff judge advocate to insure legal sufficiency. Special attention should be given to questions involving registration of sources and compliance schedules to insure that the legal implications of such instruments are understood.

§ 650.70 Operation training and certification.

(a) Operators of water treatment works and sewage treatment works shall meet levels of proficiency consistent with operator certification requirements applicable to the State or region in which the facility is located. (AR 420–15, Certification of Utility Plant Operators and Personnel Performing Inspection and Testing of Vertical Lift Devices).

(b) Necessary training of water treatment works and sewage treatment works operators will be accomplished through programs sponsored by the State in which the facility is located. In the absence of such State or regional programs, training will be accomplished at qualified institutions designated by the Major Army Command (MACOM).

§ 650.71 Waivers.

(a) No action which is contrary to the provisions contained in this subpart will be taken without first obtaining a waiver of the requirement from HQDA (DAEN–ZCE) WASH DC 20310.

(b) Waivers may be granted only if the President or the Administrator of EPA finds that the technology to implement such standards is not available or operation of the facilities in question is required for reasons of national security. Requests for such waivers will not be considered by HQDA unless it can be clearly and conclusively demonstrated that operation of the facilities in question and the proposed construction or modification meets the above criteria. Requests for waivers will be forwarded through command channels to HQDA (DAEN–ZCE) WASH DC 20310.

§ 650.72 Investigation of complaints.

Each operating commander will establish procedures to investigate water pollution compliaints and allegations from individuals and water pollution control authorities. In the case of a legal action of potential legal action, the matter will be reported immediately through Judge Advocate General channels to HQDA (DAJA–RL) WASH DC 20310.

§ 650.73 Water Pollution Control Report—(RCS DD–I&L (SA) 1088).

(a) The water pollution control report portion of the Environmental Protection Control Report is designed to provide HQDA with data on a phased and coordinated plan for control and abatement of water pollution for submission to OSD and OMB; and for development of the five-year Army Environmental Program. Detailed instructions for preparing and submitting this report are provided in Subpart J of this part.

(b) The report will cover all portions of the water pollution control program where expenditure of funds for corrective actions is required. This includes all fixed facilities, monitoring equipment, watercraft and other mobile facilities.

Subpart D—Air Pollution Abatement

General

§ 650.81 Purpose.

The provisions contained in this chapter implement the Clean Air Act of 1970 (Pub. L. 91–604 as amended) and the applicable Federal and State Regulations issued pursuant to this Act; Executive Order 11752, Prevention, Control, and Abatement of Environmnetal Pollution at Federal Facilities; and DOD Instruction 4120.14, Air and Water Pollution Control.

§ 650.82 Goal and objectives.

It is the Department of the Army's goal to reduce the emission of pollutants into the air from both stationary and mobile sources to the lowest practicable limits, and at the earliest practicable date. Objectives for obtaining this goal are to—

(a) Identify air pollution emission sources, determine the kinds and amounts of pollutant emissions, and reduce pollutant levels to those specified by Federal, State, interstate, or local substantive standards.

(b) Procure commercial equipment and vehicles with internal combustion engines that meet emission standards, except for combat vehicles specifically excluded by Environmental Protection Agency (EPA) regulations.

(c) Insure that each piece of military equipment is designed, operated, and maintained so that it meets air emission standards unless specifically exempted.

§ 650.83 Explanation of terms.

(a) *Ambient air quality standards.* Those standards established pursuant to the Clean Air Act, for protecting public health and welfare.

(b) *Emission standards.* Permissible limits of emissions established by Federal, State, interstate and local authorities to achieve ambient air quality standards.

(c) *Implementation plans.* Plans developed and administered by a State to designate the methods used to implement, maintain, and enforce ambient air quality standards in air quality control regions. The plans present an inventory of emissions and their source; a comparison of current emissions with current ambient air quality conditions; amount of emission reduction necessary to attain the ambient air quality standards for each category of emission sources; and plans, including transportation control plans, for achieving emission reductions.

(d) *Mobile sources.* Vehicles, aircraft, watercraft, construction equipment and other equipment using internal combustion engines as the means of propulsion.

(e) *Monitoring.* The assessment of emissions and ambient air quality conditions, using techniques such as emission estimates, visible emission reading, diffusion or dispersion estimates, sampling, or measurement with analytical instruments.

(f) *Motor vehicle.* Any self-propelled vehicle designed for transporting persons or property on a street or highway (sec. 213, Clean Air Act). Further defined in 40 CFR Part 85.

(g) *National Emission Standards for Hazardous Air Pollutants.* EPA emission standards established for specified hazardous air pollutants emitted by both new and existing stationary sources. (Sec. 112, Clean Air Act.)

(h) *Parking facility.* Any off-street area or space, lot, garage, building or structure, or combination or portion thereof, in or on which motor vehicles are parked.

(i) *Standards of performance for new stationary sources.* Emission standards established for specified pollutant sources, such as industrial facilities (Sec. 111. Clean Air Act).

§ 650.84 Policies.

(a) Control and monitor fixed air pollutant sources to insure compliance with Federal, State, interstate and local substantive air emission standards.

(b) Monitor ambient air quality in the vicinity of Army industrial-type activities, or cooperate with others in such monitoring to determine whether current ambient air standards are being met.

(c) Control emissions from mobile sources in accordance with Federal regulations or by State regulations when authorized by law.

(d) Cooperate with Regional EPA and State authorities in achieving the objectives of State Air Quality Control Plans through the formulation and coordination of installation Air Quality Control Plans and Transportation Control Plans.

(e) Participate with local authorities, to the fullest extent practicable, in controlling air emissions during emergency air pollution episodes.

§ 650.85 Responsibilities.

(a) The Chief of Engineers will—(1) Publish the basic policies and procedures for the identification, reporting, and programming of projects to control and monitor air pollutants emitted by Army fixed facilities and mobile sources, including aircraft and watercraft (DAEN-ZCE).

(2) Report requirements for projects to control sources of air pollution and the installation of air quality monitoring systems in accordance with this regulation and DOD Instruction 4120.14.

(3) Process requests for exemption from compliance in accordance with the provisions of the Clean Air Act and Executive Order 11752.

(4) Include in the Army R&D Program such research as may be needed or required for the development of technology to control Army-unique air pollutants.

(5) Perform technical review and evaluation of remedial projects for the control of existing sources of air pollution at fixed facilities and insure that provisions are made for air pollution control in the design of new structures and facilities.

(6) Coordinate the requirement of the adoption of new air emission standards for the Army fixed facilities with The Surgeon General.

(7) Provide technical advice and assistance for the control of air pollution in the operation and maintenance of fixed facilities.

(b) The Deputy Chief of Staff for Logistics will issue implementing policies, procedures and instructions for the control of air pollution which pertain to the maintenance, repair and modification of mobile sources including vehicles, aircraft and watercraft.

(c) The Deputy Chief of Staff for Research, Development and Acquisition will—(1) Conduct research and development programs designed to provide low-pollution, high efficiency engines for Army vehicles, mobile power sources, aircraft, and watercraft; and for the development of clean burning fuels.

(2) Incorporate air pollution controls, where required, in the development of new equipment and weapons systems to the maximum extent possible without degrading the operational capabilities to an unacceptable level.

(3) Insure that mobile equipment and engines developed for the Army comply with applicable current and projected Federal emission standards to the extent that priority defense and national security requirements permit.

(d) The Surgeon General, will—(1) Monitor the health and welfare aspects of the air pollution control program within the Department of the Army.

(2) Issue health and medical policy guidance on air pollution control and abatement.

(3) Consult with COE and appropriate commanders in the establishment of air pollution control standards which are unique to the Army.

(4) Provide staff assistance and guidance on the health and environmental aspects of management of hazardous and toxic air pollutants.

(5) Provide support to the basic Army R&D Program in terms of identification/designation of R&D needs.

(6) Review proposed Federal, State, interstate and local emission/ambient air quality standards and coordinate DA input to the standard-setting process.

(e) Major Army commanders will—(1) Develop a program, consistent with this regulation and DOD guidelines to control and monitor air pollutant emissions from fixed and mobile facilities to comply with applicable Federal, State, interstate and local emission standards and ambient air quality standards.

(2) Insure that personnel having responsibilities for controlling air pollution emissions (e.g. equipment operators and mechanics, heating plant operators, etc.) are properly trained to perform such duties. Further, provide training in the inspection, test and maintenance of pollution control devices and emissions measurement equipment.

(f) Commanding General, US Army Materiel Command. In addition to responsibilities assigned in paragraph (e) of this section, the Commanding General, US Army Materiel Command will—(1) Require that Army materiel equipped with internal combustion engines meet air emission standards in effect at the time of manufacture as required by Federal or State regulations.

(2) Insure that the manufacture, shipment, operation, maintenance and final disposition of the materiel can be accomplished with a minimum emission of air pollutants.

(3) Provide in technical publications appropriate information and instructions on air pollution controls for engine driven equipment and on maintenance and monitoring procedures for minimizing pollutant emissions.

(g) Commanding General, US Health Services Command will—(1) Assist The Surgeon General in fulfilling his responsibilities for the health and welfare aspects of the air pollution control programs.

(2) Provide personnel for conducting field investigations and special studies on sources of air pollution and for recommending measures required to protect health and welfare, and to comply with stationary or mobile emission standards or ambient air quality standards (§ 650.92).

(h) Installation and activity commanders will—(1) Monitor air emission sources within their installations or under their control and identify air emission sources requiring remedial action to insure compliance with emission standards and ambient air quality standards.

(2) Program remedial projects and funds to control and monitor air emission sources and ambient air quality to insure compliance with emission standards and ambient air quality standards.

(3) Cooperate with local representatives of Federal, State and regional agencies in the formulation and execution of

projects and activities related to abatement of air pollution to include instituting emergency measures required during air pollution episodes.

(4) Monitor the operation of motor vehicles to permit compliance with applicable Federal or State emission standards; or in the absence of applicable standards, to minimize smoke emissions.

(5) Continue mechanic and operator training programs in the prevention, control and abatement of pollution from mobile equipment.

§ 650.86 Reports.

Sources of air pollution will be identified and those requiring remedial action will be reported as specified in Subpart J of this part. An example of an exhibit prepared on a facility found not to be in compliance with specified standards is shown in figure 10–3.

§ 650.87 References.

See table 4–1 for related publications to be used in conjunction with this subpart.

STANDARDS AND PROCEDURES

§ 650.88 Standards.

(a) *General.* (1) The Clean Air Act establishes the legal basis for improving air quality and maintaining air quality for the protection of public health and welfare. Included in its provisions are the establishment of Air Quality Control Regions, which are approximately 250 in number; the establishment of National Ambient Air Quality Standards to identify the acceptable health and welfare levels which will be permitted for a given pollutant; allowable significant air quality deterioration zones which set the allowable amount of air quality deterioration; and the preparation of Implementation Plans by each State to provide for the attainment of primary standards by July 1, 1975 and secondary standards within a reasonable time. The Act also requires EPA to set Standards of Performance for new or modified sources of pollution; establishing source emission standards for hazardous air pollutants such as asbestos, beryllium and mercury; and controlling motor vehicle emissions.

(2) National Ambient Air Quality Standards prescribe maximum pollutant levels for particulate matter, sulfur oxides, carbon monoxide, photo chemical oxidents, hydrocarbons and nitrogen oxides (40 CFR Part 50). In all instances the States in their Implementation Plans have specified strict ambient air quality standards and established maximum levels for each pollutant based on the type of source. It is the applicable State standard that is to be achieved by each Army facility.

(b) *Fixed facilities*—(1) *Existing Sources.* Individual pollutants are to be controlled in accordance with national primary and secondary air quality emission standards, normally those promulgated by a State. The basic reference is 40 CFR Part 50.

(2) *New sources.* Specific Federal emission standards are applicable to certain types of new facilities such as large fossil fuel-fired steam generators, incinerators, sulfuric and nitric acid plants, etc. Detailed information is contained in 40 CFR Part 60.

(3) *Air quality control regions.* Air quality control regions, criteria, and control techniques are given in 40 CFR Part 81.

(4) *Hazardous air pollutants.* Certain hazardous air pollutants as such asbestos, beryllium and mercury, which must be closely controlled are identified in Federal regulations promulgated by EPA. Refer to 40 CFR Part 61 and § 650.132 for guidance on control of asbestos during demolition and prohibition on use of sprayed asbestos materials for any purpose.

(c) *Mobile sources*—(1) *Commercial or commercially-adapted vehicles.* The manufacturer is required to certify these vehicles as meeting established emission standards of the year of manufacture. Basic reference is 40 CFR Part 85.

(2) *Military vehicles.* Certain military vehicles are excluded from the provisions of the Clean Air Act. Those not excluded will be certified by the manufacturer as meeting standards of the year of manufacture. Basic reference is 40 CFR Part 85.

(3) *Replacement engines.* (40 CFR Part 85).

(i) Light duty will meet the standards imposed at the year of vehicle manufacture.

(ii) Heavy duty will meet the standards imposed at the year of engine manufacture.

(4) *Aircraft.* Commercial or commercially adapted aircraft will comply with standards applicable to commercial aircraft in year of manufacture. Basic reference is 40 CFR Part 87.

§ 650.89 Assessment of air quality.

The impact of emissions produced by the operation of fixed and mobile sources on air quality will be included in an Environmental Impact Assessment (EIA) or Environmental Impact Statement (EIS) of any Army proposed action. Specific information as to existing regional air quality will be provided along with the changes or impact produced by the planned action. See also § 650.91 (b) on significant air quality deterioration zones for additional guidance. Particular attention will be given to vehicle emissions from both military and privately owned vehicles which, along with the vehicles in a nearby community, may constitute a significant source of air quality degradation and health hazard.

§ 650.90 Air pollution sources.

Common sources of air pollution which must be controlled include—:

(a) Heating plants over one million BTU per hour input.

(b) Incinerators.

(c) Large electrical power generating plants.

(d) Manufacturing processes/acid production facilities.

(e) Metal cleaning and treatment operations.

(f) Spray painting operations.

(g) POL storage and dispensing facilities.

§ 650.91 Air pollution abatement and control.

(a) Existing fixed sources of air emission are subject to Federal and State standards promulgated under the Clean Air Act. Those facilities found not in compliance with such standards are to be promptly identified and reported in accordance with the procedures outlined in Subpart J of this part. The programing and budgeting for remedial projects will conform with established procedures as in AR's 37–40, 415–15, 415–25 and 420–10.

(b) New fixed sources or major modification to existing facilities which are a source of air emissions will be designed in accordance with applicable standards. Consultation with or review by State authorities on such projects will be through the Regional Administrator of EPA at the earliest practicable time in the planning process. Further, the State air pollution control agencies will establish significant air quality deterioration zones to control the introduction of pollutants into a specified area. Deterioration zones apply only to specific category of sources such as acid plants and power plants. Applicable air pollutants are particulate matter and SO_2 only. Zones will be established by the state and are as follows:

Zone I—Very little to zero deterioration.
Zone II—Moderate deterioration.
Zone III—May deteriorate up to the national maximum.

Implementation of these standards is now through the state review of preconstruction plans. This regulation significantly increases the power of states to control land use patterns. Therefore, all Army plans for development and expansion of facilities must consider the deterioration zone within which the affected installation is located. (40 CFR Part 52).

(c) Emissions from new mobile sources such as vehicle and aircraft engines will be regulated at the time of manufacture and certified in accordance with Federal regulations issued by EPA. The alteration or removal of such emission controls installed on Army equipment is prohibited.

(d) The retrofit of military vehicles not equipped with emission control devices at the time of manufacture may be required by State regulation. Commanders of installations where such controls are required will take appropriate action to have such vehicles retrofitted and to insure that vehicles without emission controls are not operated unless a waiver or exemption as specified in § 650.95 is approved.

§ 650.92 Air emission monitoring and reporting.

(a) *Fixed sources.* Air emissions will be monitored in accordance with EPA approved State, regional or local regulations. The more common pollutants that are monitored include particulates, sulfur dioxide, carbon monoxide, oxides of nitrogen, hydrocarbons and photochemical oxidants. Mandatory monitoring is

imposed where more toxic emissions, such as nitric and sulfuric acid mists and asbestos, are released to the atmosphere. Such records on emissions as may be specified by EPA will be maintained and submitted as required.

(b) *Mobile sources.* The periodic monitoring of vehicle emissions serves to verify the effectiveness of emission controls and engine combustion efficiency. Installations having large vehicle fleets are encouraged to institute such monitoring procedures. No reports are required for these emission monitoring operations.

(c) *Technical assistance.* Technical assistance relating to health and welfare considerations of air pollution problems can be obtained from Commander, US Army Health Services Command (HSC-PA), Fort Sam Houston, TX 78234. Specific services available include:—

(1) Collection of pollutant emission data, operating criteria and performance standards for air pollution abatement equipment.

(2) Consultation on current Federal and State air quality regulations, standards and monitoring instrumentation.

(3) Source and ambient air evaluations to demonstrate compliance of existing sources with air quality regulations or standards.

(4) Provide assistance in collection and interpretation of air quality data for development of EIA or EIS.

§ 650.93 EPA Air Pollution Project review.

(a) The following type projects require review by the EPA Regional administrator for compliance with air pollution control standards prior to the initiation of construction:

(1) Large industrial or manufacturing facilities.

(2) Certain new parking facilities to be constructed in areas covered by Standard Metropolitan Statistical Areas and Transportation Control Plans (38 major urban areas) are subject to preconstruction review by the EPA Regional Administrator (40 CFR Part 52). A review is required for parking facilities having a capacity of 250 or more vehicles, or where special restrictions are imposed on any additional parking. In such instances, an EPA permit must be obtained for new or modification of existing parking facilities which results in a net increase of 250 or more spaces when construction commences after January 1, 1975 or when a construction contract is signed after January 1, 1975. The basic references for state implementation plans and Transportation Control Plans are 40 CFR Part 51 and 40 CFR Part 52 respectively.

(b) At the request of the installation commander, such reviews may be coordinated with the Regional EPA office by the supporting Corps of Engineers District Office.

§ 650.94 Compliance schedules.

(a) A compliance schedule is required for each existing fixed source of air pollution which exceeds applicable standards. Such a schedule contains a chronological list of dates (milestones) for each major action to be completed within the overall plan to bring a polluting source into compliance.

(b) Compliance schedules are negotiated by installation representatives with EPA Regional Offices and State air pollution control authorities. Once approved by EPA, the specified date when the facility will comply with air emission standards becomes legally binding on the installation commander. Further, the installation is required to inform the appropriate EPA Regional Office and State authority in writing of any foreseen delays in meeting the intermediate dates contained in the compliance schedule and the reasons therefore prior to the scheduled completion date. When it becomes apparent that the ultimate compliance date can not be met for reasons beyond the control of the installation commander, a revised compliance schedule should be renegotiated with the State. In such cases the EPA Regional Administrator will be notified as soon as possible since only EPA has the final authority to approve compliance schedules which go beyond the final compliance date. If renegotiation of a compliance schedule is rejected by EPA, the installation commander may forward a request for an exemption (§ 650.95) from compliance from standards when continued operation of the facility is essential to the conduct of the DA mission.

§ 650.95 Exemptions.

(a) An exemption from compliance with air pollutant emissions may only be requested for existing facilities. New facilities are to be designed to meet established standards.

(b) Requests for exemption from the Clean Air Act and regulations promulgated pursuant to the Act will be based on the continued operation of a particular facility being in the interests of national security and upon the requirements of Executive Order 11752. Such requests will be forwarded through channels to HQDA (DAEN-ZCE), WASH DC 20310 for necessary action.

(c) Requests for exemption for mobile sources (vehicles) will be handled in accordance with AR 750–20.

§ 650.96 Transportation Control Plans.

(a) In addition to regulating the emissions from fixed sources, it may be necessary for a State to impose controls over transportation in order to achieve national ambient air standards. Large metropolitan areas, such as Los Angeles, California and Baltimore, Maryland are having to resort to such measures because the major portion of air pollution in those areas is caused by motor vehicles.

(b) Military installations and activities located within the area defined in EPA approved Transportation Control Plans are required to cooperate with local authorities in reducing vehicular traffic consistent with military requirements. Although the overall requirement is to reduce both military and civilian traffic, primary emphasis should be on reducing the use of privately owned vehicles. Consequently, Installation Transportation Control Plans which may be required for a particular region by Federal Regulations should be prepared and implemented as deemed necessary. Various control measures that should be considered include:

(1) instituting a command carpooling with carpool locator program,

(2) encouraging the use or expansion of public transportation service,

(3) restricting available parking areas to promote carpooling,

(4) issuing preferred parking spaces to carpool cars, and

(5) encourage the use of bicycles/walking for short on-post trips.

(c) Information regarding the existence of approved metropolitan Transportation Control Plans may be obtained from local air pollution control authorities or the Regional EPA Administrator.

§ 650.97 Emergency air pollution episodes.

(a) Army installations or activities located in areas susceptible to air pollution episodes (smog conditions) will cooperate with local authorities in reducing air emissions during such emergency periods. Specific contingency plans are to be developed for these emergencies to provide for: (1) the curtailment of all but essential services; (2) to provide for required mission activities; (3) announcement of notification procedures; and (4) instructions on those control measures to be invoked during the various phases of such episodes.

(b) The following control measures are to be considered in such contingency plans:

(1) Restrict use of private automobiles by requiring car pools or use of mass transit facilities.

(2) Conduct an educational program on the hazards of air pollution episodes.

(3) Publicize episode warnings and notification procedures.

(4) Postpone all except mission-essential activities which produce air emissions; e.g., vehicle use, operation of incinerators, etc.

(5) Grant personnel administrative leave, but only as a last resort. This action will be coordinated with other DOD and Federal installations in the affected area.

(c) Government assets provided a contractor managing a government-owned facility, are subject to the same use restrictions during an emergency air pollution episode as those imposed on a contractor by a State on the use of his private assets.

TABLE 4–1. RELATED PUBLICATIONS

Clean Air Act (42 U.S.C. 1857 et seq., as amended by the Air Quality Act of 1967, Pub. L. 90–148, by the Clean Air Amendments of 1970, Pub. L. 91–604, and by Technical Amendments to the Clean Air Act, Pub. L. 92–157).

AR 37–13	Economic Analysis and Program Evaluation of Resources Management.
AR 37–40	Army Production Base Support Program Report (RCS OSGLD–1123(R1) (MIN))

AR 40–4	Army Medical Department Facilities/Activities.
AR 70–15	Product Improvement of Materiel.
AR 210–50	Family Housing Management.
AR 405–45	Inventory of Military Real Property.
AR 415–15	MCA Program Development.
AR 415–25	Real Property Facilities for Research, Development, Test and Evaluation (RHTE).
AR 415–35	Minor Construction.
AR 420–10	General Provisions, Organization, Functions, and Personnel.
AR 750–20	Prevention, Control, and Abatement of Pollution from Mobile Equipment.

Subpart E—Waste Management [Reserved]

Subpart F—Hazardous and Toxic Materials Management

General

§ 650.121 Purpose.

The provisions contained in this chapter implement the requirements of the Atomic Energy Act, as amended; Clean Air Act, as amended; the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended by the Federal Environmental Pesticide Control Act (FEPCA) of 1972; the Federal Water Pollution Control Act (FWPCA), as amended; the Marine Protection, Research and Sanctuaries Act of 1973 (MPRSA)—Ocean Dumping; and the Solid Waste Disposal Act (SWDA), as amended. Detailed guidance on oil and hazardous liquid substances spill prevention and contingency plans appears in Subpart I of this part.

§ 650.122 Goal and objectives.

The Department of the Army (DA) goal is to control hazardous and toxic materials to minimize hazards to health and damage to the environment. The following objectives are necessary to achieve this goal:

(a) All material developed and procured by the Army is to be designed to minimize health and environmental hazards during research, development, testing, production, use, storage, and disposal.

(b) Limit, to the extent practicable, the use of toxic and/or hazardous materials, and employ procedures which provide maximum safety during storage, use, and disposal when less toxic or hazardous substitutes are not available.

(c) Develop safe and environmentally acceptable methods for the storage and disposal of materials which are inherently hazardous or potentially dangerous due to the quantities involved.

(d) Provide properly trained personnel for the management, use, storage, and disposal of hazardous and toxic materials.

§ 650.123 Explanation of terms.

(a) *Certification.* The recognition by a certifying agency that a person is competent and thus authorized to use and supervise the use of restricted use pesticides.

(b) *Certified applicator.* Any individual who is certified to use or supervise the use of any restricted use pesticide covered by his certification.

(c) *Class 1 disposal site.* The location (e.g., sanitary landfill) where any final deposition of hazardous or toxic waste, after proper processing, may occur. Such a facility complies with EPA guidelines for the disposal of solid wastes as prescribed in 40 CFR Part 241.

(d) *Disposal.* To abandon, deposit, inter or otherwise discard waste as a final action after its use has been achieved, a use is no longer intended, or its use has been declared excess, suspended or cancelled.

(e) *Effluent standard.* A state or federal effluent standard or limitation to which a discharge is subject under the FWPCA amendments of 1972, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards. This includes a prohibition of any discharge established, for any toxic pollutant described in 307(a) of the FWPCA as amended.

(f) *Hazardous and toxic material management.* For environmental purposes, the systematic and purposeful control over the production, procurement, storage, handling, use, and disposal of materials or substances which are either hazardous to life because of their inherent toxicity or a potential danger because of the quantities involved.

(g) *Hazardous substance.* An element or compound or mixture (other than oil as covered in Subpart I of this part) which, when discharged in any quantity into or upon the navigable or coastal waters, presents an imminent and substantial danger to the public health or welfare, including fish, shellfish, wildlife, shoreline, and beaches, e.g., hazardous substances include some strong acids, strong bases, organic solvents, certain metals and their compounds, other strong oxidizers, or other bulk-stored chemicals used in manufacturing processes and maintenance or repair operations. (Designation of and determination of removability of hazardous substances will be addressed in 40 CFR Part 116).

(h) *Hazardous waste.* Any waste or combination of wastes which, if not effectively controlled, poses a potential hazard to human health or living organisms because they are nondegradable, persistent in nature, lethal, or may otherwise cause or tend to cause detrimental cumulative effects. Such materials include wastes which are corrosive, flammable, toxic, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means.

(i) *Ocean dumping.* The disposal of hazardous or toxic materials (including pesticides, pesticide containers, pesticide-related wastes, other hazardous chemical stocks, pharmaceutical stocks of drugs, radioactive materials, explosive ordnance or chemical warfare agents) in or on the oceans and seas as defined in the MPRSA (Pub. L. 92–532).

(j) *Open burning.* The disposal by burning of hazardous or toxic materials or their wastes in any fashion other than by incineration in an approved hazardous waste incinerator.

(k) *Open dumping.* The placing of hazardous or toxic materials or their wastes in a land site in a manner which does not protect the environment and is exposed to the elements, vectors, and scavengers.

(l) *Pest.* Includes, but is not limited to, any insect, rodent, nematode, fungus, weed, or any form of plant or animal life or virus, bacterial organism or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other animals) which is normally considered to be a pest or which the Army may declare to be a pest in accordance with public law or national policy.

(m) *Pest management.* Pest control in which one or more control methods are selected for use in an integrated program that incorporates a series of alternative control strategies including parasites, predators, pathogens, cultural practices and chemicals, to achieve economic pest control with least disruption of the environment.

(n) *Pesticide.* Any substance or mixture of substances intended for preventing, destroying, repelling, attracting, or mitigating any pest and any substances or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(o) *Pesticide-related wastes.* All pesticide-containing wastes or pesticide-containing by-products which are to be discarded, but which, pursuant to acceptable pesticide manufacturing or processing operations, are not ordinarily a part of or contained within an industrial waste stream discharged into a sewer or the waters of a State.

(p) *Processing.* To neutralize, detoxify, incinerate, biodegrade, or otherwise treat a hazardous or toxic waste to remove its harmful properties or characteristics for disposal.

(q) *Restricted use pesticide.* A pesticide that is classified for restricted use under the provisions of section 3(d)(1)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135 et seq.) and other legislation supplementary thereto and amendatory itself.

(r) *Soil injection.* The emplacement of hazardous or toxic materials or their wastes by ordinary tillage practices within the plow layer of a soil.

(s) *Toxicity.* The property of a substance or mixture of substances to cause any adverse physiological effects on any of the biological mechanisms of an organism.

(t) *Toxic pollutant.* Pollutants or combinations of substances (including disease-causing agents) which, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism—either directly from the environment or indirectly by ingestion through food chains—will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations in

such organisms or their offspring. (A list of toxic pollutants will be given in 40 CFR Part 129).

(u) *Waste.* Any material for which no use or re-use is intended and which is to be discarded.

(v) *Water dumping.* The disposal of hazardous or toxic materials or their wastes in or on lakes, ponds, rivers, sewers, or other water systems as defined in the FWPCA (33 U.S.C. 1251 et seq.)

§ 650.124 Policies.

The Department of the Army will—

(a) Exercise positive management over the research, development, procurement, production, use, handling, storage and disposal of hazardous and toxic material. Priority will be given to instituting measures required to protect health or control pollution.

(b) Comply with environmental quality policies and procedures specified in this regulation and those standards established by the applicable Federal, State, interstate, or local authority for the control of hazardous and toxic materials and substances.

(c) Use nonhazardous or nontoxic materials to the extent practicable.

(d) Conserve resources and, to the extent practicable, dispose of hazardous and toxic materials and waste by reprocessing, recycling, and/or re-using.

(e) Program and budget sufficient resources for the effective management and environmental control of pesticides, hazardous chemical stocks, pharmaceuticals, radioactive materials, explosives, and chemical agents in accordance with DA regulations and in consonance with any other applicable Federal, State, or local objectives.

(f) Conform with Federal regulations and guidelines respecting pesticides, promulgated pursuant to the provisions of FIFRA as amended, (§§ 650.126—650.129).

(g) Acquire and use only those pesticides registered with the Environmental Protection Agency (EPA) (§ 650.126(a)).

(h) Monitor for the residual effects of pesticides on military installations in furtherance of the National Pesticide Monitoring Program.

(i) Conform with applicable Federal regulations, standards, and guidelines promulgated and adopted in accordance with the Atomic Energy Act, as amended (42 U.S.C. 2011), or by EPA on discharges of radioactivity. This restriction does not apply to emergency operations conducted by Explosive Ordnance Disposal or Technical Escort personnel (§§ 650.139, 650.140 and 650.141)

(j) Prohibit the disposal (by open dumping, water dumping, well injection, or open burning) of pesticides, hazardous chemical stocks, pharmaceutical stocks and drugs, radioactive materials, explosive ordnance, or chemical warfare agents directly into the air, water, or land environment in a manner hazardous to man or animals or if it will cause unreasonable adverse effects on the environment (§ 650.127(f)).

(k) Conform with Federal regulations and guidelines respecting dumping of material into ocean waters in accordance with the MPRSA and the FWPCA as amended.

(l) In the absence of published national standards, guidance on acceptable methods and maximum concentrations pertaining to the use, storage, discharge or disposal of hazardous and toxic substances are to be referred through Major Command Headquarters to the USA Health Services Command.

§ 650.125 Responsibilities.

(a) Department of the Army Staff.

(1) The Inspector General and Auditor General will—(i) Exercise primary Army Staff responsibility for overall supervision of Army safety program activities as established by AR–385–10.

(ii) Provide assistance and guidance on the safety aspects of the storage, use, handling, and disposal of hazardous and toxic substances.

(2) The Deputy Chief of Staff for Operations and Plans will—(i) Insure that Required Operational Capability (ROC) documentation for new material involving potentially hazardous materials requires that safe and environmentally acceptable methods for storage and disposal of these materials be developed or included as part of procurement specifications.

(ii) Provide single DA contact point for all chemical warfare activities including demilitarization and disposal.

(3) The Deputy Chief of Staff for Research, Development and Acquisition will insure that all materiel developed by the Army is designed to minimize health and environmental hazards during research and development, production, testing, storage, use and disposal.

(4) The Chief of Engineers will—(i) Exercise primary Army Staff responsibility for coordinating guidance and promulgating environmental protection regulations concerning hazardous and toxic material management within the Army.

(ii) Provide technical instructions and guidance on the implementation of pest management programs.

(iii) Coordinate with The Surgeon General to establish Army criteria, instructions, and corrective measures involving pollution from hazardous and toxic materials.

(iv) Promote the reclamation, recycling, or safe disposal of excess and outdated chemicals, particularly the stocks of cancelled or excess pesticides and superseded chemicals.

(5) The Surgeon General will—(i) Establish health criteria and standards and monitor health and welfare aspects of the hazardous and toxic material management program.

(ii) Develop environmental toxicology data and recommend standards for safe storage, use, discharge and disposal of hazardous and toxic materials.

(iii) Provide technical instructions and guidance for the DA pest management programs in disease vector control, pesticide monitoring, health, safety, and the training of insecticide and rodenticide applicators.

(iv) Coordinate with the Chief of Engineers in establishing criteria, instructions, and corrective measures involving pollution from hazardous and toxic materials.

(6) The Judge Advocate General will provide guidance, as required, on interpretation of FIFRA, FEPCA, FWPCA, MPRSA, SWMA and other Federal, State, and local laws and regulations.

(b) Commanding General, US Army Materiel Command (AMC) will—

(1) Establish training programs for logistical personnel involved in the production, testing, and storage of explosives and chemical munitions and for those handling radioactive materials, hazardous and toxic chemicals, and products.

(2) Conduct research and technological investigations in support of the hazardous and toxic materials pollution abatement efforts related to industrial facilities operated by AMC. This includes development of alternative less polluting industrial processes, development of industrial waste recycling systems, evolvement of treatment processes and design criteria, and development of safe and profitable disposal methods.

(3) Insure compliance with DA and other Federal regulations on the disposal of chemical agents and munitions (§§ 650.130–650.134 and §§ 650.139–650.141).

(4) Procure materials for Army use which will minimize health and environmental hazards during production, use, storage, and disposal.

(c) Commanding General, US Army Health Services Command will—

(1) Conduct training activities to insure proficiency in the application, handling, storage, use, and disposal of insecticides and rodenticides to qualify pest control personnel for certification in accordance with the FIFRA 1972, as amended, and EPA guidelines.

(2) Provide personnel for conducting field investigations and special studies concerning hazardous and toxic materials and for recommending measures required to protect health and welfare and to comply with standards.

(d) Major Army commanders will—

(1) Establish a program for the control of hazardous and toxic materials management for the protection of the health and welfare of personnel and the natural environments.

(2) Program and budget for necessary resources required for hazardous and toxic materials management and pest management programs.

(3) Certify and re-certify as necessary, personnel employed in pest control activities after determination that personnel have received adequate training from an authorized and qualified source and have demonstrated proficiency in the application, handling, storage, use and disposal of pesticides in accordance with FIFRA, as amended. Such certification should identify the specific areas in which personnel are fully qualified.

(e) Installation and activity commanders will—

(1) Supervise the procurement, use, storage, and disposal of hazardous and toxic materials and chemicals and initiate appropriate procedures to protect the health and welfare of personnel who are exposed to their use.

(2) Comply with the procedures on the handling, use, and storage of hazardous and toxic materials which are under development and will be published by the Department of the Army. In the absence of DA regulations, Army activities will cooperate with Federal, State, or local agencies in meeting their standards.

(3) Use nonhazardous and nontoxic materials in installation and activity operations and procedures, when practicable.

(4) Insure that personnel involved in the pest management programs and in application of pesticides are certified in accordance with procedures in AR 420–76 and AR 420–74.

(5) Maintain liaison and cooperate with representatives of Federal, State, and local authorities engaged in regional pest control operations and pollution control and abatement.

(6) Dispose of hazardous and toxic materials in accordance with EPA-approved and DA-approved procedures (§§ 650.126–650.138). Chemical warfare agents will be disposed of in accordance with detailed plans approved by DOD (§§ 650.138–650.141).

(7) Insure that waste effluent discharges from radioactive isotope activities are in accordance with applicable rules, regulations, and requirements of the Nuclear Regulatory Commission (10 CFR Part 20.) and the policies and guidance of the Federal Radiation Council.

(8) Program and budget for resources necessary to conduct an effective hazardous and toxic materials management program at each Army installation.

PESTICIDE MANAGEMENT PROGRAM

§ 650.126 Implementing guidelines.

(a) DA will procure only those pesticides approved by and registered for use with the EPA and will use them consistent with their intended use and label instructions. Use of a pesticide other than those registered and approved for specific application in accordance with their labeling is illegal under FEPCA. Major command entomologist/agronomist, in coordination with DAEN–FEB, will be contacted in those instances where use of pesticides is anticipated for purposes other than that given on registered labeling.

(b) Some pesticides are on the EPA list of toxic pollutants for which water effluent standards are being developed. The list includes, but is not limited to substances such as aldrin, dieldrin, cadmium and all cadmium compounds, cyanide and all cyanide compounds, DDD (TDE), DDE, DDT, endrin, mercury and all mercury compounds, and toxaphene (chlorinated camphene). If the registration of any pesticides has been suspended or finally cancelled by EPA, DA organizations will not use such products except by special permission of DAEN–ZCE. If justified, DAEN–ZCE may request an exemption from EPA.

(c) The concentration of pesticide residue contained in waste water discharges should not exceed the levels specified by the National Pollutant Discharge Elimination System (NPDES) permit issued to an installation.

(d) The storage, use, handling, and disposal of pesticides will conform to safety and health standards established by HQDA based on regulations published in the FEDERAL REGISTER and Code of Federal Regulations by EPA, HEW, DOT and other appropriate Federal agencies. Army publications that apply to the conduct of pest control activities are given in table 6–1. Disposal and repackaging guidelines are given in tables 6–3 and 6–4 of this Subpart.

§ 650.127 Procedures.

(a) The following requirements are applicable to pesticides in the two EPA rating system classes, highly toxic and moderately toxic (Toxicity categories I and II respectively) 39 FR 15237. Pesticides and used pesticide containers will be stored in a secure, dry, ventilated, single purpose, fire resistive room, building, or covered area. Pesticide formulations will be stored separately, inventoried semiannually and identified with warning signs in accordance with the EPA toxicity rating and Department of Transportation warning systems for pesticide labeling, and checked bimonthly for corrosion and leaks (39 FR 15235–15241). Large quantities of excess pesticides and used pesticide containers awaiting disposal will be stored in a secure and separate area and will be checked bimonthly for corrosion and leaks. Where applicable, the outside of each storage area will be labeled with appropriate "DANGER," "POISON," "PESTICIDE STORAGE" signs and local fire department hazard signal signs.

(1) Emergency detoxification and decontamination equipment, sink and showers, eye lavage, protective clothing, and rubber gloves will be provided pesticide handlers in accordance with AR's 420–74, 420–76, and 385–32.

(2) A viable accident prevention and environmental protection program will be maintained within the installation pest control service areas. Signs will be posted within the pesticide storage area indicating the type and common name of the pesticides being stored.

(3) A complete inventory of pesticides on hand will be maintained by the pesticide control services personnel indicating the number and identity of containers stored.

(b) Pesticide application and other insect and rodent control will be accomplished by or under the direct and continuing supervision of a trained and certified applicator (AR's 420–74 and 420–76). SOPs will be prepared by installation pesticide users on the application of pesticides. These SOPs will be reviewed by the appropriate DA engineer and/or medical entomologist, or agronomist (for herbicide application).

(c) DA directives will give a categorization for pesticide use. Categorization listings will identify those pesticides which may be used by a trained and certified applicator as well as by other than a trained and certified applicator.

(d) Only EPA registered pesticides will be used by the pesticide control services personnel, and usage will be in accordance with DA directives and label requirements. Nonregistered pesticides will only be obtained and used after approval by the command agronomist or entomologist, DAEN–FEB, and DAEN–ZCE.

(e) Pesticides in excess of installation requirements will be reported through channels to the Commander, U.S. Army General Parts and Materiel Center, New Cumberland Army Depot, New Cumberland, Pa. 17070, in accordance with paragraph 776, Defense Disposal Manual 4160.21M. Disposition instructions will be requested. However, every effort should be made to use the pesticide for the purposes originally intended, at the prescribed dosage rates, provided they are currently legal under all Federal, State, and local laws and regulations.

(f) Only approved methods will be used in the disposal of small quantities of certain excess or unusable pesticides (39 FR 15239). Accepted methods of rinse and disposal of pesticide containers have been developed in accordance with EPA recommended procedures. Guidance thereon will be issued by DAEN–ZCE. Technical assistance concerning containers not covered in directives may be obtained from: Commander, U.S. Army Environmental Hygiene Agency (USAEHA), Aberdeen Proving Ground, Md. 21010. Small quantities of used, suspended or cancelled pesticides may be disposed of in a Class 1 disposal site or its equivalent. These "small" quantities vary with different pesticides and will be determined by Commander, USAEHA.

(g) The judicious application of herbicides will be observed in natural resources management operations. Alternative methods of plant control such as mowing, controlled burning, etc. should be employed if economically feasible rather than the use of herbicides if at all possible.

(h) Prohibited procedures.

(1) No pesticide, pesticide-related waste, pesticide container, or residues from a pesticide container will be disposed of in such a manner as to cause or allow: open dumping; water dumping; well injection; direct exposure which may result in contamination of food or feed supplies, or a manner inconsistent with its label or labeling. Rare exceptions to these prohibited procedures may be granted by the regional administrator of EPA in accordance with the MPRSA and FWPCA amendments of 1972.

(2) Normally, no pesticide, pesticide-related waste, pesticide container, or residue from a pesticide container shall be disposed of in such a manner inconsistent with its label or labeling or in such a manner as to cause or allow open burning. Small quantities of combustible containers, not to exceed 50 pounds or

the quantity emptied in a single work day, whichever is less (except those formerly containing organic beryllium, selenium, mercury, lead, cadmium, or arsenic compounds) may be burned by the applicator in open fields where—

(i) Due regard is given to wind direction in relation to receptors such as population centers, field workers, domestic animals, and surface water supplies,

(ii) Such open burning is consistent with Federal, State, or local ordinances; and

(iii) Provisions are made to avoid contamination of surface and groundwater to levels in excess of standards promulgated by the Public Health Service, U.S. Department of Health, Education, and Welfare for potable water.

(i) Immediate emergency assistance on a pesticide spill that threatens life or gross contamination of the environment may be obtained by calling (800) 424–9300 (Chap. 6, AR 420–76).

(j) Application of pesticides, including aerial dispersal, may require the filing of an Environmental Impact Statement (EIS). The continuation of ongoing pest control operations which have been assessed and found to have no significant adverse environmental effect may not require the preparation of an EIS. However, a change of pesticide, rate of application, application technique or the initiation of a special or new operation, will require preparation of a new Environmental Impact Assessment (EIA) or the updating of a previous assessment. Where new pesticide programs are proposed, the command entomologist or agronomist will be consulted. Copies of each EIA prepared will be retained on file at the installation. (See Subpart B of this Part for EIA/EIS procedures).

§ 650.128 Monitoring.

(a) The DA pesticide monitoring program is the responsibility of the US Army Health Services Command (AR 40–5). It complements the National Pesticide Monitoring Program to insure that the use of pesticides does not constitute a threat to human health or hazard to the environment. The program determines pesticide residue levels in substances such as surface water, soil, sediments, fish, and birds.

(b) Army installation commanders having pest control management activities will support the DA pesticide monitoring program. Technical assistance in this area may be obtained from Commander, US Army Environmental Hygiene Agency, Aberdeen Proving Ground, Md. 21010.

(c) All Army facilities will require an annual review and inspection of pest control shops to insure that a sound pest management program is established and followed, and that prescribed procedures in the handling, use, and disposal of pesticides and pesticide containers are being followed.

§ 650.129 Reports (RCS DD–I&L (AR) 1080) and (RCS DD–I&L (SA) 1088).

(a) *Pest Control Summary Report, (RCS, DD–I&L (AR) 1080).* Continuing reports will be made on the storage and use of pesticides as required by AR 420–76.

(b) *The Environmental Protection Control Report—Pesticide Pollution Category 6, (RCS DD–I&L (SA) 1088).* The Pesticide Pollution Control Report is designed to provide information on a phased and co-ordinated plan for prevention or control of pesticide pollution for submission to Office of the Secretary of Defense and Office of Management and Budget. Examples to be included in such a report are disposal facilities, storage facilities or shop remodeling relating to prevention, control or abatement of pollution from pesticides. The report is the Army's fiscal plan for abatement of pesticide pollution resulting from Army activities. See Subpart J of this part for reporting procedures and guidance.

TABLE 6–1.—*Pest control publications*

Publication	Title	Pest control application
Ch. 5, AR 40–5	Health and Environment	Health aspects of medical entomology and pesticides.
AR 40–574	Aerial Dispersal of Pesticides and Utilities; Operation and Maintenance.	Policies and procedures for aerial dispersal of pesticides.
AR 385–32	Protective Clothing and Equipment	Responsibilities, policy and procedures for providing protective clothing & equipment.
AR 420–74	Natural Resources—Land, Forest, and Wildlife Management.	Special training for herbicide handlers.
AR 420–76	Pest Control Services	Prevention of environmental pollution by pesticides; policy on use of persistent pesticides; guidance on pesticide disposal; procedure and format for submission of the pest control summary report.
AR 420–77	Restrictions on Use of Herbicide 2,4,5-T	Limitations on use of 2,4,5-T herbicide.
TM 5–629	Herbicide Manual for Noncropland Weeds	Herbicides for noncropland weeds.
TM 5–630	Repairs and Utilities, Ground Maintenance and Land Management.	Safety precautions in using herbicides.
TM 5–632	Military Entomology Operational Handbook	Guidance and techniques on dispersal and use of pesticide.

HAZARDOUS CHEMICAL STOCKS (EXCLUDING CHEMICAL WARFARE AGENTS)

§ 650.130 Implementing guidelines.

(a) Existing or promulgated hazardous chemical management standards in this regulation apply to all Army facilities. Storage, use, handling and disposal of hazardous chemical stocks will conform to published DA policies, standards, and procedures (tables 6–1 and 6–2).

(b) With the exception of oils and other liquid petroleum products (Subpart I of this part), it is difficult to identify materials which should be classified as hazardous or toxic. Hazards to be considered include flammability, radioactivity, re-activity, toxicity, bioconcentration, irritation, allergenic, or genetic activity. Certain chemicals, such as asbestos, cadmium, lead, mercury, beryllium, cyanide, toxaphene, polyvinyl chloride, polychlorinated biphenyls (PCB's), fluorine compounds, selenium, arsenic, and certain pesticides are recognized as hazardous and special storage and handling are necessary even for small quantities. Other materials, however, are more difficult to categorize since excessive amounts of almost anything can be harmful when released. EPA is currently defining criteria and establishing effluent standards for hazardous substances and toxic pollutants (including some pesticides) under the Federal Water Pollution Control Act amendments of 1972 (39 FR 30466). Effluent standards will be published by EPA for these hazardous substances which can reasonably be anticipated to be discharged into navigable waters and which will pose an imminent and substantial danger to public health and welfare. Upon issuance in the FEDERAL REGISTER, DA installation commanders will follow required restrictions and guidelines on their discharge or disposal.

(c) Subpart C of this part lists requirements under the National Pollutant Discharge Elimination System and other applicable Federal, State and local standards.

(d) Ocean dumping, as a rule, will not be considered an acceptable means of disposing of hazardous and toxic substances, pesticides, radioactive wastes, or chemical warfare agents. Only under special circumstances, and after coordination with EPA, will ocean dumping and transportation for such dumping be allowed.

§ 650.131 Procedures.

The hazardous chemical management procedures in this regulation are presented as preferred methods by which the requirements of the environmental standards and the objectives of DA policies can be achieved. If techniques other than the following are used, commanders will demonstrate in advance that the techniques to be employed will satisfy the environmental quality standard in this regulation or those established by the appropriate Federal, State, or local authority.

(a) All measures to prevent accidental pollution of the environment by uncontrolled release of hazardous chemicals to the air, water, or land environment will be taken by all Army activities.

(1) Installations storing, handling, or transferring hazardous chemicals will include within their Spill Prevention Control and Countermeasure (SPCC) Plan, procedures to prevent, control and report accidental releases of these substances to the environment. (See Subpart I of this part, on requirements for SPCC plans).

(2) Effluent standards for toxic pollutants are found in 40 CFR Part 129, and the designation of hazardous substances will be found in 40 CFR Part 116.

(b) Storage facilities for chemicals (excluding pesticides) hazardous to health and welfare and detrimental to the environment, will be located according to the nature of the chemicals, storage site, protective enclosures, and operating procedures. Adequate measures will be taken for inventorying chemicals semi-annually, for controlling hazards, and for monitoring the environment.

(c) Appropriate safety materials and protective clothing and equipment will be kept on hand for emergency treatment, decontamination, cleanup, and for area warning signs and labels.

(d) No hazardous chemical, or its container, which will cause adverse effects on the environment, will be used or disposed of in a manner inconsistent with instructions on its label or inconsistent with use or disposal procedures established by Federal, State, or local laws or regulations.

(e) Ultimate disposal of unserviceable and excess hazardous chemical stocks.

(1) Hazardous chemical stocks that are unserviceable and/or have been declared excess to DA requirements will be reported to the local Defense Property Disposal Office (DPDO) for merchandising. The stocks will remain the property of the generating agency until ultimate disposal.

(2) Disposal of hazardous chemical stocks on which DPDO disposition cannot be obtained may be made by contract with commercial firms, provided it is in accordance with appropriate Federal, State, or local laws and regulations and the commercial firm is licensed or otherwise approved to dispose of the chemical stocks by the appropriate authorities.

(3) Disposal guidance can be obtained from the Commander, US Army Edgewood Arsenal who, in conjunction with Commander, US Army Environmental Hygiene Agency, Aberdeen Proving Ground, MD 21010, will provide data. Requests for disposal guidance should include Federal Stock Number (FSN), full nomenclature, appropriate military specification or standard indicated on label, quantity of issue, total quantity of issue, total quantity requiring disposal (pounds, gallons, liters, etc.), and condition of containers.

(4) Commanders of installations and activities who are responsible for disposing of hazardous chemicals will maintain records indicating quantities of hazardous chemicals disposed of, disposal method used, and disposal site location (e.g. removal of polychlorinated biphenyls (PCB) from transformers).

(f) The transport of dangerous or hazardous chemicals is subject to the provision of Pub. L. 91–121 (50 U.S.C. 1511–1516) and AR 55–56. Chapter 216, AR 55–355 requires DA compliance with CFR Title 14 (air transportation), Title 49 (highway and rail transportation), and Title 46 (water transportation). Further, AR 55–228 governs water transport of hazardous materials and TM 38–250 prescribes the provisions for the transportation of dangerous materials by military aircraft.

(g) Immediate short-term (30 minutes or less) emergency assistance on a chemical spill transportation problem may be obtained by calling Chem Trec (800) 424–9300 or in the Washington, D.C. area, (202) 483–7616. This service is available only for short-term transportation problems and provides information on spills, leaks, fire and explosion.

§ 650.132 Special authorizations.

(a) A notification must be made to EPA for the operation, construction or modification of a source of hazardous air pollutants (asbestos, berylium, or mercury); FEDERAL REGISTER April 6, 1973 (38 FR 8820) and May 3, 1974 (39 FR 15396) and October 25, 1974 (39 FR 38064) (Exempt Report paragraph 7–2o AR 335–15). Sprayed asbestos materials will not be used in construction for any purpose and controls are placed on asbestos handling during demolition operations. When Federal, State, or local regulations establish other permit systems, DA directives will provide guidance and compliance schedules, as appropriate.

(b) Transportation of hazardous items is covered in AR 55–56, Title 49 CFR Parts 170–189 and Department of Transportation hazardous materials regulations.

(c) Installation commanders will comply with permits required under the provisions of the National Pollutant Discharge Elimination System (NPDES).

§ 650.133 Monitoring.

Environmental monitoring will be in accordance with requirements established in Subparts C and D of this part and the NPDES.

§ 650.134 Reports.

Installation commanders will report, as required, on the inventory, use, and disposal of hazardous chemical stocks, on recurring reports under the NPDES, and as required on accident/incident reports required by AR 385–40 and AR 50–21.

PHARMACEUTICAL STOCKS, BIOLOGICAL WASTES AND DRUGS

§ 650.135 Procedures.

The pharmaceutical disposal procedures in this regulation are preferred methods and apply to both existing and new Army facilities.

(a) No pharmaceutical stock or its container will be disposed of in a manner inconsistent with instructions on its label; or instructions provided in DA #SB 8–75 series supply bulletins; or inconsistent with disposal procedures established by appropriate Federal, State, or local laws and regulations.

(b) Pharmaceutical stocks in excess to medical facility requirements will be reported through medical supply channels in accordance with AR 40–61 and disposition instructions will be requested.

(c) Destruction of banned, outdated, and unserviceable pharmaceutical stocks will be in accordance with instructions provided in DA #SB 8–75 series bulletins. Assistance in determining applicability of disposal procedures may be obtained by request to Commander, US Army Environmental Hygiene Agency, Aberdeen Proving Ground, MD 21010.

(d) Army installation commanders disposing of pharmaceutical stocks by land burial will maintain records on quantities disposed, disposal method used, and disposal site location.

(e) Biological, surgical and hospital-type hazardous or toxic waste materials will be used, handled, stored and disposed of in accordance with AR 40–5 and AR 40–61. Technical assistance on special problems in handling unusual, hazardous or toxic chemical and biological materials can be obtained by requests addressed to:

(1) CONUS—Commander, US Army Health Services Command, ATTN: HSC–PA–H, Fort Sam Houston, Tx 78234.

(2) OVERSEAS (including Hawaii)—HQDA (DASG–HCH), WASH DC 20310.

§ 650.136 Special authorizations.

Policies and procedures for obtaining written approval applicable to investigative drugs in humans are outlined in AR 40–7.

§ 650.137 Monitoring.

Environmental monitoring will be in accordance with requirements established in Subparts C and D of this part under the NPDES.

§ 650.138 Reports.

Installation commanders will provide reports on disposition of pharmaceutical drugs as required.

RADIOACTIVE MATERIALS, EXPLOSIVES, AND CHEMICAL WARFARE AGENTS

§ 650.139 Radioactive materials and nuclear accidents and incidents.

(a) Policies and procedures applicable to nuclear accidents and incidents are given in ARs 40–13, 50–5, 360–5, 360–43, 385–40, and 755–15. The handling, use, and disposal of radioactive materials will be in accordance with applicable Army regulations and will be in such a manner so as not to contribute to pollution of the environment; within imminent safety and health considerations. Procedures may be found in Army guidance dealing with medical services, nuclear weapons and material, transportation and travel, explosives, safety, logistics, and disposal of supplies and equipment directives.

(b) Temporary storage of radioactive materials, prior to shipment for disposal, will be in accordance with TM 3–261, AR 385–30, AR 700–52, and Title 10, Code of Federal Regulations, part 20.

(c) The shipment and disposal of radioactive materials will be in accordance with AR 55–55, AR 755–15, and DOT and Nuclear Regulatory Commission regulations.

(d) Local disposal of radioactive materials by release to the sanitary sewerage systems and other radioactive effluents to the environment will be in accordance with AR 755–15 and Title 10, Code of Federal Regulations, part 20.

(e) Special problems on radioactive waste disposal will be referred through command channels to Commander, US Army Materiel Command (ATTN: AM CSF–P), 5001 Eisenhower Avenue, Alexandria, Va 22333.

(f) All nuclear reactor facilities will be monitored for discharges of gaseous, liquid or particulate effluents to prevent contamination of the environment in accordance with chapter 4, AR 385–80.

(g) Installation commanders will provide reports on handling, use, inventory or disposal of radioactive materials and monitoring as requested by DA, EPA, Nuclear Regulatory Commission or other Federal agencies, and on nuclear accidents/incidents as required by AR 385–40.

(h) The Environmental Protection Control Report—Radiation Pollution, Category 4, (RCS (DD–I&L(SA) 1088). The Radiation section of the semiannual Environmental Pollution Control report is designed to provide information to HQDA on phased or coordinated plans for prevention or control of radiation pollution for submission to Office of the Secretary of Defense and Office of Management and Budget. See Subpart J of this part for reporting procedures and guidance.

§ 650.140 Explosive ordnance.

(a) Policies and procedures applicable to explosive ordnance materials are contained in AR's 75–1, AR 75–14, AR 75–15, AR 385–60, AR 385–64, and 755 series regulations dealing with disposal of supplies & equipment. The disposal of deteriorated ammunitions and explosives will be in accordance with Army regulations in the 75, 385 and 755 series. Every effort will be made to dispose of these wastes so as not to contribute to the pollution of the environment within personnel safety considerations for Explosive Ordnance Disposal and Technical Escort Emergency Operations.

(b) Deteriorated or unused explosives, munitions and rocket propellants may only be open-burned in non-urban areas and under conditions acceptable to Regional EPA and appropriate State Air Pollution Control authorities. Where there is an official prohibition against burning of such wastes, notification of restrictions and/or requests for assistance will be submitted through command channels to DAEN–ZCE.

(c) Installation commanders will provide reports to DA, as requested, on the handling, use, inventory or disposal of explosive materials and on explosive accidents/incidents as required in AR 385–40.

§ 650.141 Chemical warfare agents.

(a) The handling, use, and disposal of chemical warfare agents, ammunition, and explosive materials will be in accordance with Army regulations and will be in such a manner so as not to contribute to the pollution of the environment. Procedures may be found in Army directives dealing with transportation and travel, explosives, safety, and disposal of supplies and equipment. The safety program for chemical agents and associated weapon systems is prescribed in AR 385–61. Further, disposal of chemical warfare agents will be planned in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190 (42 U.S.C. 4321 et seq.), Military Appropriation Acts Pub. L. 91–121, section 409 and Pub. L. 91–441, section 506.

(b) Installation Commanders will provide reports through command channels to DA as requested on handling, use, inventory, or disposal of chemical warfare agents and as required on chemical accidents/incidents as outlined in AR 385–40. Disposal guidance can be obtained from the Commander, US Army Edgewood Arsenal who, in conjunction with the Commander, US Army Environmental Hygiene Agency, Aberdeen Proving Ground Md. 21010, will provide data.

TABLE 6–2. RELATED PUBLICATIONS

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended by the Federal Environmental Pesticide Control Act of 1972, Pub. L. 92–516. (Title 7 U.S.C. 135–135K, 136–136Y (1972)).

Federal Water Pollution Control Act Amendments of 1972 (Title 33 U.S.C. 1151 et seq.).

Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052).

Solid Waste Disposal Act as amended (Title 42 U.S.C. 3251 et seq.).

AR 40–5	Health and Environment.
AR 40–7	Use of Investigational Drugs in Humans and the Use of Schedule I Controlled Drug Substances.
AR 40–13	Radiological Emergency Medical Teams (REMT).
AR 40–61	Medical Materiel Policies and Procedures.
AR 40–574	Aerial Dispersal of Pesticides.
AR 50–5	Nuclear Surety.
AR 55–55	Transportation of Radioactive and Fissile Material Other Than Weapons.
AR 55–56	Transportation of Dangerous or Hazardous Chemical Materials.
AR 55–228	Transportation by Water of Explosives and Hazardous Cargo.
AR 55–355	Military Traffic Management Regulation.
AR 75–1	Malfunctions Involving Ammunition and Explosives.
AR 75–14	Interservice Responsibilities for Explosive Ordnance Disposal.
AR 75–15	Responsibilities and Procedures for Explosive Ordnance Disposal.
AR 360–5	General Policies.
AR 360–43	Information Guidance—Nuclear Accidents and Nuclear Incidents.
AR 385–10	Army Safety Program.
AR 385–16	System Safety.
AR 385–30	Safety Color Code Markings and Signs.
AR 385–32	Protective Clothing and Equipment.
AR 385–40	Accident Reporting and Records.
AR 385–60	Coordination with Armed Services Explosives Safety Board.
AR 385–61	Safety Program for Chemical Agents and Associated Weapon Systems.
AR 385–64	Ammunition and Explosives Safety Standards.
AR 385–80	Nuclear Reactor Health and Safety Program.
AR 420–74	Natural Resources—Land, Forest, and Wildlife Management.
AR 420–76	Pest Control Services.
AR 420–77	Restrictions on Use of Herbicide 2,4,5-T.
AR 700–52	Licensing and Control of Sources of Ionizing Radiation.
AR 750–20	Prevention, Control, and Abatement of Pollution from Mobile Equipment.
AR 755–15	Disposal of Unwanted Radioactive Material.
TM 3–261	Handling and Disposal of Unwanted Radioactive Material.
TM 5–629	Herbicide Manual for Noncropland Weeds.
TM 5–630	Ground Maintenance and Land Management.
TM 5–632	Military Entomology Operational Handbook.
TM 38–250	Packaging and Materials Handling: Packaging and Handling of Dangerous Materials for Transportation by Military Aircraft.

TABLE 6–3—PESTICIDE CONTAINER DISPOSAL GUIDELINES

RECOMMENDED INTERIM GUIDELINES FOR DISPOSAL OF EMULSIFIABLE CONCENTRATE METAL CONTAINERS

Step 1. Empty containers in the normal manner and allow to drain for one minute into the spray or mix tank.

Step. 2. First Rinse.

a. Add the correct amount of water rinse solution:

Container size	*Minimum water rinse solution*
Less than one gal	One-fourth container volume.
One gal	One quart.
Five gal	Two quarts.
Fifteen gal	1.5 gallons.
Thirty gal	Three gallons.
Fifty-five gal	Five gallons.

b. Replace closure.

c. Rotate and up end container to get rinse over all interior surfaces.

d. Drain rinse into the spray or mix tank.

Step. 3. Second Rinse.

a. Repeat step 2 a thru c.

b. Puncture head of the metal container near the edge adjacent to the pour spout and drain the rinse into the spray or mix tank.

NOTE: If 15–55 gallon containers are to be recycled through a registered drum reconditioner, DO NOT PUNCTURE the containers.

Step. 4. Third Rinse.

a. Repeat step 2, but gently rotate the drum to rinse interior of the container being careful not to spill rinse through the puncture area.

b. Metal containers up to and including five gallon size:

(1) Allow rinsed container to drain for one minute into the spray or mix tank.

(2) Crush the rinsed container and bury in sanitary landfill in conformance with State and local standards, or recycle through a properly equipped metal reclaiming firm, if applicable.

c. Metal containers, 15–55 gallon capacity:

(1) Allow the rinsed container to drain for one minute into the spray or mix tank.

(2) Replace all closures, accumulate rinsed drums in a secure area, and:

(a) Recycle through a registered drum reconditioner; [1] or

(b) Return to a pesticide manufacturer or formulator for refilling with the same chemical class of pesticide providing such return and reuse is legal under currently applicable U.S. Department of Transportation regulations; [1] or

(c) Recycle as scrap metal through a metal reclaiming firm.

---

[1] Information on registered drum reconditioners "Reuse of Specification 17 Series Steel Drums" and the reuse of empty pesticide containers may be obtained from: Department of Transportation, Office of Hazardous Materials, Operations Division, 400 Sixth Street, SW., Washington, D.C. 20590.

(3) If drums are not recycled, they should be rinsed and punctured as outlined in Step 3, crushed and buried in a sanitary landfill in conformance with State and local standards.

NOTE: Never re-use emptied pesticide containers.

RECOMMENDED INTERIM GUIDELINES FOR DISPOSAL OF TECHNICAL GRADE METAL CONTAINERS

Step 1. Empty container should be allowed to drain for one minute into the spray tank.

Step 2. Replace closure.

Step 3. Accumulate unrinsed empty drums in a secure area, and:

a. Store pending receipt of DOD disposal instructions; or

b. Return empty drums to a registered drum reconditioner[1] or a pesticide manufacturer or formulator for refilling with the same chemical class of pesticide as previously contained provided such return and refilling is legal under current applicable US Department of Transportation regulations[1]; or

c. Recycle as scrap metal through a metal reclaiming firm having EPA and/or State approved burning equipment suitable for incineration of pesticides.

Department of Transportation, Office of Hazardous Materials, Operations Division, 400 Sixth Street, SW., Washington, DC 20590.

RECOMMENDED INTERIM GUIDELINES FOR DISPOSAL OF SPECIFIED CONTAINERS (BAIT, DUST, AEROSOL AND GRANULE)

Step 1. Empty container in the normal manner.

a. Residue should be completely removed from bait, dust and granule containers.

b. Aerosol containers should be completely expended.[2]

Step 2. Crush container with the exception of aerosol containers.

Step 3. Dispose container in the sanitary landfill in conformance with State and local standards, or accumulate and recycle the crushed metal containers through a properly equipped metal reclaiming firm, if applicable.

NOTE: Never re-use emptied pesticide containers.

RECOMMENDED INTERIM GUIDELINES FOR DISPOSAL OF WATER WETTABLE POWDER CONTAINERS (METAL AND PAPER)

Step 1. Empty container in the normal manner.

Step 2. Rinse container three times, each time using a volume of water equal to approximately 10 percent of the container capacity and adding the rinse water to the spray tank. This rinse water should be calculated as part of the required diluent.

Step 3. Rinsed metal containers can be crushed and sold as scrap metal, if applicable. Unsalvaged containers should be rendered unuseable and buried in an approved sanitary landfill in conformance with State and local standards.

NOTE: Never re-use emptied pesticide containers.

RECOMMENDED INTERIM GUIDELINES FOR DISPOSAL OF ONE GALLON OIL SOLUTION READY-MIX METAL CONTAINERS (6840-844-7353 DIAZINON 0.5 PERCENT; 6840-180-6069 BAYGON HOUSEHOLD SPRAY 1 PERCENT)

Step 1. Empty container in the normal manner.

Step 2. Puncture top of metal container near the edge adjacent to the pour spout and allow to drain for 5 minutes into the spray tank.

Step 3. The empty container should be crushed and buried in an approved sanitary landfill in conformance with State and local standards.

NOTE: Never re-use emptied pesticide containers.

TABLE 6-4—RECOMMENDED PROCEDURES FOR REPACKAGING LIQUID PESTICIDES AND DISPOSITION OF EMPTY CONTAINERS

1. Observe prescribed safety procedures during all operations to prevent spilling of, or exposure of personnel to the pesticides, and:

a. Stay up wind while pouring pesticides.

b. Do not drink, eat, smoke, or use tobacco in pesticide handling areas.

c. Wear neoprene or neoprene coated gloves and a neoprene or Buna-N rubber apron while repackaging.

d. Wear face shields or chemical goggles during repackaging.

e. Do not put fingers in mouth or rub eyes while repackaging.

f. Wash hands before eating, smoking, or using the toilet and immediately after repackaging.

g. Wear protective clothing; remove contaminated clothing immediately and launder before wearing again.

h. Work clothes and street clothes should not be stored in the same locker.

i. Workers should shower at the end of each shift or upon completion of repackaging operations.

j. Respirators or gas masks with proper canisters approved for the particular type of exposure by the US Bureau of Mines or the National Institute for Occupational Safety and Health should be available. Combat masks (M17, M17A1) should not be used.

k. Leaking containers should be repackaged under the supervision of the installation Facilities Engineer's pest management personnel.

2. Approved containers for repackaging liquid pesticides are:

Five gallon—FSN 8110-282-2520, Drum Metal: New; 22 USS sheet metal gage steel; enamel exterior; nonremovable ends, 13⅜ in. outside H, 11¼ in. OD; five gal normal filled capacity; bail attached to top; spout; FED PPP-P-704, Type 1, Class 8, push-pull spout.

Fifty-five gallon-FSN 8110-597-2353, Drum, Shipping and Storage: 16 USS sheet metal gage steel; enamel exterior; nonremoval cover, 35⅛ in. outside H, 23⅞in. OD; 55 gal capacity; two expanded outward rolling hoops; bung and vent located in end; reusable; FED PPP-D-729, Type 1.

3. When repackaging liquid pesticides, the interior surface of each metal drum FSN 8110-282-2520 and FSN 8110-597-2353, shall be completely lined with two coats, .0015 inch total thickness, of bisphenol epoxide and phenol-formaldehyde resins mixture conforming to MIL-V-12276D, Type III, class optional.

4. Empty the leaking container into one of the above approved containers and mark as shown in paragraph 8 or 9.

NOTE: Do Not Combine Pesticides During Repackaging.

5. After emptying the contents of a container, puncture the top of the container near the edge adjacent to the pour spout and allow one gallon containers one additional minute and larger containers 3 to 5 additional minutes to drain.

6. With storage some pesticides develop sludges or crystals that solidify and adhere to the bottom of the container. Should this occur, dissolve with a solvent and add the dissolved sludge to the new container being used to repackage the contents of the leaking container. Pesticides containing sludges are considered unserviceable.

7. Container Rinse Procedures.

a. Rinse the empty container three times, each time using a volume of the normal diluent equal to approximately 10 percent of the container's capacity. The diluent for 5 percent DDT, FSN 6840-253-3892, is kerosene; diluents for other pesticides are indicated on the pesticide container labels.

Container size		Minimum diluent required for each rinse
One gallon	qt	1.0
Five gallon	qts	2.0
Fifteen gallon	gal	1.5
Thirty gallon	do	3.0
Fifty-five gallon	do	5.0

b. Add the correct amount of rinse solution and GENTLY ROTATE the container for one minute to get the rinse over interior surfaces avoiding spillage of the rinse through the leaking areas.

c. Drain the rinse into an approved container. Note:

(1) For a pesticide declared SERVICEABLE, drain the rinse into a separate container. DO NOT RINSE INTO THE CONTAINER BEING USED TO REPACKAGE THE CONTENTS OF THE LEAKING CONTAINER. (Serviceability must be verified by a quality assurance test.)

(2) For a pesticide declared UNSERVICEABLE, drain the rinse into the container being used to repackage the contents of the leaking container.

d. Repeat paragraphs 7b and c (second rinse).

e. Repeat paragraphs 7b and c (third rinse), and:

(1) Allow to drain for 5 minutes into one of the above approved containers.

(2) Crush and bury empty containers in a sanitary landfill in conformance with Federal, State and local standards or recycle rinsed containers to a commercial metal reclaiming firm having EPA and/or State approval burning equipment suitable for incineration of pesticides.

8. Labeling containers of UNSERVICEABLE pesticides (diluted or undiluted) and rinse solutions.

a. Marking shown on one side of drum shall not occupy more than the upper one-third of the side:

(1) WASTE MATERIAL NOT APPROVED FOR USE.

(2) FSN—Repackaged.

(3) Nomenclature and percentage.

(4) Type and quantity of rinse solution added to repackaged container.

(5) Total quantity in gallons.

(6) Level of protection and date packaged (B-month/year).

(7) Gross weight and cube.

b. Marking shown on drum head or ends not removed in order to use contents (applies to 55 gallon drums only):

(1) WASTE MATERIAL NOT APPROVED FOR USE.

[1] Information on registered drum reconditioners "Re-use of Specification 17 Series Steel Drums" and the re-use of empty pesticide containers may be obtained from:

[2] In expending aerosol containers, some propellant usually remains. This propellant can be ignited if a large quantity of aerosol cans are crushed while being disposed in sanitary landfill operations. The vapors of propellant (in sufficient volume) can be sucked over the hot bulldozer engine by its fan and such vapors can ignite, consuming the equipment and operators in flames. Therefore, never store spent aerosol cans for disposal at one time; rather dispose them either singly or in quantities of no more than six cans.

(2) FSN—Repackaged.
(3) Total quantity.
9. Labeling containers of SERVICEABLE pesticides.
a. Marking shown on one side of drum shall not occupy more than the upper one-third of the side:
(1) FSN—Repackaged.
(2) Nomenclature and percentage.
(3) Total quantity in gallons.
(4) Level of protection and date packaged (B-month/year).
(5) Gross weight and cube.
b. Marking shown on drum head or ends not removed in order to use contents (applies to 55 gallon drums only):
(1) FSN.
(2) Nomenclature and percentage.
(3) Total quantity.
(4) Lot or batch numbers.
(5) Date of pack (earliest repackage date).
(6) Contract number(s).
(7) Name and address of the contractor(s).
c. Marking shown on the diametrically opposite side of the container from that containing the identification marking and shall be located in the upper one-third of the side:
(1) Contract, purchase, or delivery order number(s).
(2) Name(s) and address(es) of prime contractor(s).
d. In order for repackaged pesticides to be considered serviceable, returned to the supply system, transferred or sold for use as originally intended, an additional label which conforms with the original EPA or USDA registered label to include the registration number must be attached. If the item does not have an EPA or USDA registered label, the additional label must then conform to the labeling instructions contained in the original military or Federal specification for each line item.
10. Storage.
a. Store UNSERVICEABLE repackaged pesticides with other UNSERVICEABLE pesticides and hold pending DOD disposal instructions.
b. Store SERVICEABLE repackaged pesticides with other SERVICEABLE pesticides and use for intended purpose.
11. Reference.
39 FR 15235–15241, May 1, 1974, Environmental Protection Agency, Pesticides and Pesticide Containers, Regulations for acceptance and Recommended Procedures for Disposal and Storage.

Subpart G—Environmental Noise Abatement

General

§ 650.161 Purpose.

The provisions contained in this chapter implement the provisions of the Noise Control Act of 1972 (Pub. L. 92–574) and Federal Regulations promulgated pursuant to this Act, including Executive Order 11752, Office of Management and Budget Circular No. A–106, and EPA procedures for Reporting Proposed Pollution Abatement Projects For Federal Facilities.

§ 650.162 Goal and objectives.

The Department of the Army (DA) goal is to control noise produced by Army activities to protect the health and welfare of its members and the public within, adjacent to, and surrounding Army installations. The following objectives are necessary to achieve this goal:

(a) Assess the environmental impact of noise produced by Army activities and mitigate harmful or objectionable effects to the maximum extent practicable.
(b) Comply with applicable Federal, State, interstate and local standards pertaining to noise, consistent with military requirements.
(c) Achieve noise abatement through the application of engineering noise reduction procedures, administrative noise control measures, modern land use planning and procurement of less noisy equipment.
(d) Incorporate noise control provisions, consistent with national security requirements, into the development and procurement of weapons systems and other military equipment for use in combat operations; and in the design and siting of facilities.

§ 650.163 Explanation of terms.

(a) *Administrative noise control measures.* Policy decisions and administrative actions taken to regulate the conduct of training, operations and activities for the purpose of relocating, rescheduling, or restricting activity to abate or control noise; e.g., decisions on the time of day, site, and number of operations, firing schedules, flight patterns, etc.
(b) *Ambient noise.* The all encompassing noise associated with a given environment, usually composite of sounds from many sources.
(c) *Decibel (dB).* Unit of measure indicating the sound pressure level of a measured sound. dBA indicates that the sound level is measured through the A-weighting network of a sound level meter.
(d) *Engineering noise reduction.* Control of noise at the source, path or receptor site through use of acoustical engineering techniques. Among other techniques, this involves enclosures, absorbent materials, and barriers.
(e) *Environmental noise.* The intensity, duration, and character of sounds from all sources.
(f) *Impulsive noise (also referred to as impulse or impact noise).* Noise with abrupt onset, high intensity, short duration—typically less than one second. This type of noise can be produced by weapons fire, explosions, punch presses, and drop hammers, and consists of a short burst of acoustical energy of either a single impulse or a series of impulses.
(g) *Land use planning.* That aspect of master planning wherein the best possible use is made of available land areas by considering, among other factors, mission and environmental protection requirements.
(h) *Noise control management.* The abatement of noise through use of low-noise-emission products, engineering noise reduction, or administrative noise control measures.
(i) *Noise pollution control standards.* Noise emission standards for products adopted in accordance with provisions of the Noise Control Act of 1972 or provisions of State, interstate, and local standards for control and abatement of environmental noise.

§ 650.164 Policies.

The Department of the Army will—
(a) Comply with all DOD and applicable Federal, State and local noise control standards promulgated pursuant to the Noise Control Act in the planning, siting, design, construction and operation of Army controlled facilities and installations. The aim is to promote an environment for all people free from noise that jeopardizes their health and welfare.
(b) Procure commercial equipment and products, or those adapted for military use, that are in compliance with established Federal noise standards and give priority to use of low-noise-emission products within reasonable cost and mission limitations.
(c) Incorporate noise control provisions in the design and procurement of vehicles, aircraft, weapons systems and other military-unique equipment for use in combat operations to the extent that essential operational capabilities are not significantly impaired.
(d) Include the impact of environmental noise in any assessment of an Army action or program.
(e) Institute measures to reduce and/or control the generation of noise from flying and flying-related activities and comply with DOD Instruction 4165.57 on Air Installations Compatible Use Zones (AICUZ).
(f) Periodically monitor Army installations and their environs to insure that applicable Federal, State, interstate and local noise standards are met.

§ 650.165 Responsibilities.

(a) Department of the Army Staff.
(1) The Chief of Engineers will—(i) Promulgate basic policies, guidance and regulations for the control of environmental noise produced by military equipment (aircraft, vehicles, etc.), and that resulting from the conduct of various types of military training activities (DAEN–ZCE).
(ii) Monitor the structural engineering aspects of the environmental noise pollution control program to assure that facilities on Army real property satisfies established noise control standards (DAEN–MC).
(iii) Provide guidelines and assistance for the selection of architectural and engineering measures to be employed, to control noise levels in conjunction with installation master planning or the siting of new facilities. (e.g., siting considerations, noise barriers or berms, operational controls, and sound attenuation in new and existing structures) (DAEN–MC).
(iv) Coordinate noise abatement criteria, standards, policies, and corrective measures with The Surgeon General, and The Inspector General and Auditor General, (Army Director of Safety).
(v) Incorporate noise attenuation measures in the design and construction of new structures and provide technical assistance on noise attenuation tech-

niques for existing structures (DAEN-MC).

(2) The Deputy Chief of Staff for Operations and Plans will—(i) Monitor operations and activities to assure control of noise produced by military equipment, aircraft, and vehicles, resulting from the conduct of various types of military training activities.

(ii) Insure compliance with appropriate noise standards during test and evaluation of Army material and during operational testing.

(3) The Deputy Chief of Staff for Research, Development and Acquisition will—(i) Monitor compliance with applicable noise control standards during the development and testing of new material.

(ii) Process and staff requests for exemptions (§ 650.175) for military unique equipment where essential operational characteristics are significantly impaired by adherence to applicable noise standards, and where the equipment is deemed essential to mission accomplishment.

(4) The Surgeon General will—(i) Monitor health and welfare aspects of environmental noise within the Department of the Army to assure that the required degree of noise control is maintained.

(ii) Issue health and medical policy guidance obtained from liaison with other Federal agencies assigned responsibility for environmental noice control.

(iii) Coordinate in the development of noise abatement criteria, standards and corrective measures with the Chief of Engineers and when appropriate with Director of Safety, HQDA.

(b) Commander, US Army Health Services Command will—

(1) Accumulate, evaluate, and disseminate data on environmental noise conditions that may adversely affect the health of men and animals.

(2) Conduct environmental noise studies when requested, provide acoustical technical assistance for preparation of Environmental Impact Assessments (EIA) or Environmental Impact Statements (EIS) and make recommendations on programs or projects to achieve noise pollution control.

(3) Provide technical consultation to commanders on health aspects of environmental noise control and assist in the development of environmental noise abatement programs for facilities and activities.

(c) Commander, US Army Materiel Command and other materiel development and procurement agencies will—

(1) Procure equipment or materiel which complies with DA adopted noise emission standards and retrofit existing vehicles as appropriate, to reduce noise to acceptable levels.

(2) Initiate and forward requests for waiver of noise standards for military equipment to DAEN-ZCE when it has been determined that compliance with such standards would significantly degrade the required military capability of the equipment.

(3) Pursue a research and development, test and evaluation program for the abatement or control of noise from military equipment.

(d) Major Army commanders will—

(1) Comply with applicable Federal, State, interstate and local standards regarding environmental noise control and abatement.

(2) Establish a program for an initial survey and periodic review of environmental noise control.

(3) Program and budget for those resources required for environmental noise control.

(4) Report resource requirements for the conduct of the noise pollution control program in accordance with Subpart J of this part.

(e) Installation and activity commanders will—

(1) Comply with applicable Federal, State, interstate and local standards regarding environmental noise.

(2) Identify continuous or recurring sources of noise at an installation or by an activity which exceed standards; are an annoyance to others; are injurious to health; and develop remedial projects or procedures to reduce such noise to acceptable levels.

(3) Monitor the conduct of training activities producing inherently high noise levels for the purpose of minimizing its effect on nearby military and civilian populations.

(4) Maintain liaison with appropriate Federal, State, and local noise pollution abatement authorities, for the purpose of noise control measures insofar as installation and military operational requirements permit in accordance with Subpart A of this part.

(5) Program and budget for resources necessary to conduct an effective noise control program.

(6) Maintain a log of citizen complaints of noise produced by Army activities.

§ 650.166 Reports.

Sources of noise pollution will be identified and those requiring remedial action will be reported as specified in Subpart J of this part. An example of an exhibit prepared on a typical environmental noise control project is shown in Figure 10–7.

§ 650.167 References.

See table 7–1, for related publications to be used in conjunction with this subpart.

Standards and Procedures

§ 650.168 Standards.

(a) Undue exposure to noise may be detrimental to the health and welfare of Department of Army personnel and members of civilian communities adjacent to military installations. Consequently it is necessary to assess major sources of noise to insure there are no adverse impacts. Normally this is accomplished by making sound level measurements and comparing them to established noise standards which include:

(1) Occupational noise level standards—a noise exposure standard established for the protection of hearing of workers by the Army Surgeon General and/or under the Occupational Safety and Health Act.

(2) Product noise source emission standards—maximum noise levels that may be produced by specified items of equipment under the authority of the Noise Control Act or State, interstate and local standards.

(3) Environmental noise standards—property use and/or operational noise levels that are permitted under those conditions specified in Federal, State, interstate and local standards and regulations.

(b) Occupational noise level standards applicable to the Army are contained in AR 40–5, AR 385–10, TB MED 251 and MIL–STD–1474(MI).

(c) Product noise emission standards are published in the Code of Federal Regulations (CFR). Army materiel excluded from compliance with such emission standards at the time of manufacture are aircraft, vehicles, weapons systems and other products produced for combat use. Commercially manufactured products or those adapted for general military use will comply with the following Federal noise standards:

(1) Commercial Aircraft—14 CFR Parts 21, 36 and 91.

(2) Motor Carrier Noise Emission Standards—40 CFR Part 202 and 23 CFR Part 772. (Section 18 of Noise Control Act only).

(3) Motors and Engines—40 CFR Part 206.

(4) Railroad Noise Emission Standards—40 CFR Part 201.

(5) Construction Equipment—40 CFR Part 204.

(6) Transportation Equipment—40 CFR Part 205.

(d) MIL–STD–1474(MI), Noise Limits for Army Materiel, establishes acoustical noise limits for Army materiel and prescribes the testing requirements and measurement techniques for determining conformance to the noise limits therein.

(e) Environmental noise will be assessed and controlled in accordance with the provisions set forth herein.

§ 650.169 Noise measurement standards.

(a) Noise pollution control standards are applicable to both existing and new Army facilities.

(b) Army facilities and activities will comply with applicable Federal, State, interstate and local noise standards unless a waiver is specifically obtained in accordance with § 650.175. Where no applicable noise regulations and standards exist, installation commanders will minimize noise intrusions into areas surrounding the installations to prevent them from being a source of complaint. An EPA manual that provides general guidance in the absence of specific standards is listed in reference 15, table 7–1.

(c) Measurements in decibels (dBA) should be used for measuring sound levels from Army activities or facilities.

(d) Environmental noise levels should be identified using an equivalent sound level description system known as Leq/Ldn. This new methodology supplements and may replace earlier techniques such as Composite Noise Ratings (CNR) and Noise Exposure Forecast (NEF). The basic reference is EPA Document 550/9–74–004, "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety," March 1974. It is available from the U.S. Government Printing Office. Use will be made of this descriptor system in discussing noise implications in all Environmental Impact Assessments (EIA) and Environmental Impact Statements (EIS). Other rating schemes may be used, but should be related to Leq/Ldn, e.g. the Leq/Ldn rating scheme may be inappropriate for certain types of noises, such as helicopter and blast noise.

§ 650.170 Assessment of noise.

The impact of environmental noise whose source is located on Army-controlled property will be included in an EIA or an EIS of any Army proposed action. Analyses of such significant sources of environmental noise as airfields and firing ranges should be based on field measurements by acoustical technicians.

(a) Technical assistance on land use management or real property associated noise problems (e.g., blast noise, etc.) can be obtained from U.S. Army Construction Engineering Research Laboratory (CERL), P.O. Box 4005, Champaign, IL 61820. A helpful reference on this matter is the CERL document: "User Manual for the Acquisition and Evaluation of Operational Blast Noise Data," (reference 13, table 7–1).

(b) Technical assistance to include field surveys and the preparation of environmental noise pollution evaluations relating to health and welfare considerations of all types of environmental noise problems can be provided by the U.S. Army Environmental Hygiene Agency. Requests for assistance should be sent to Commander, U.S. Army Health Services Command (HSC–PA), Fort Sam Houston, TX 78234. This assistance includes—

(1) The evaluation of existing or potential noise problems which are evidenced by complaints, litigation, or official inquiries;

(2) The assessment of those situations where existing or proposed civilian-community actions may adversely impact noise-sensitive areas located on Army installations;

(3) The assessment of those situations where a proposed civilian community action may be adversely impacted from an ongoing Army activity;

(4) The recommendation of measures to mitigate an existing or potential adverse noise impact;

(5) The evaluation of Department of the Army activities to insure that they comply with applicable noise standards and regulations; and

(6) The conduct of environmental noise assessments as input to Environmental Impact Statements, excluding all projects involving land management and acquisition.

(c) Technical assistance, such as information and technical documents, is also available from the EPA. Inquiries may be sent directly to EPA Office of Noise Abatement & Control, Washington, D.C. 20460, or to the noise representative in the respective EPA Region (see fig 9–1 and table 9–3).

§ 650.171 Noise sources.

Common sources of environmental noise produced by military activities that may require some form of noise control include—

(a) Aircraft operations and training.

(b) Vehicles (combat and noncombat) operations and training.

(c) Weapons firing, explosives and demolition operations and training (blast noise, § 650.169(d)).

(d) Fixed noise sources (power plants and generators, manufacturing plants, industrial facilities, carpenter shops, dynamometer buildings etc.)

(e) Electrical and electronic equipment.

(f) Construction equipment operations and training.

(g) Recreational activities (e.g., snowmobiles, trailbikes, etc.)

(h) All other noise sources that exceed 55 dBA measured at a distance of 50 feet from the source.

§ 650.172 Noise control.

(a) Control of new and existing sources of environmental noise can normally be achieved by applying singly or in combination noise reduction at the source, altering the path of noise, and noise reduction at the receptor site. Further, low-noise-emission products and equipment will be acquired wherever possible.

(b) Engineering noise controls, establishment of noise buffer zones, site design and building construction for noise control, and similar land use planning techniques will be employed in the siting and design of new military structures and facilities.

(c) Projects and resources required to control sources of environmental noise, reported in accordance with § 650.166, will be programed and budgeted using established procedures.

(d) To preclude the need for expensive engineering noise reduction techniques, the impact of environmental noise should be integrated into military land use planning. Attention will be given such matters in the master planning process (AR 210–20) with particular emphasis on—

(1) Routes of high volume traffic flow.

(2) Family housing area locations.

(3) Location of off-post residential areas.

(4) Sites of hospital complexes.

(5) Sites for on-post and off-post school facilities.

(6) Sites for new ranges, impact areas and airfields.

(e) The identification of critical noise rating contours at an installation for the purpose of aiding in land use planning will be a requried component of each Installation Master Plan (AR 210–20). Assistance in preparing data for these contours can be obtained through the Office Chief of Engineers (DAEN–MCE–P) and Construction Engineering Research Laboratory (CERL). Requests for such assistance are to be forwarded in accordance with reference 13, table 7–1. Blast noise, helicopter noise and truck noise programs are under development and OCE will issue Technical Reports in each area.

(f) Technical assistance in quantifying noise problems, identifying possible violation of standards, making noise surveys for inclusion in environmental impact assessments or impact statements, etc., may be requested from the U.S. Army Environmental Hygiene Agency .(USAEHA) in accordance with § 650.170(b).

§ 650.173 Noise complaints.

While not to be used as the sole criterion for judging the severity of environmental noise impacts, citizen complaints may be indicators of situations where noise control measures will be necessary. Such complaints should be logged, investigated and appropriate corrective measures taken wherever possible. In many instances, such problems can be resolved to the mutual satisfaction of the Army and the community through direct consultation among those involved.

§ 650.174 Low-noise-emission products.

Under section 15 of the Noise Control Act of 1972 (Pub. L. 92–574), the US Environmental Protection Agency is responsible for administering a national program for the development of low-noise-emission products. EPA certifies new products whose noise emissions are significantly below the EPA source emission standards for these products as low-noise-emission products. Such certified products of a commercial nature will be acquired by purchase by the Army in lieu of other products if the Administrator of General Services determines that the product costs no more than 125 per cent of the retail price of the least expensive type of product for which these are certified substitutes. Those products found to meet the low-noise-emission criteria will be announced as available through regular supply procurement sources (40 CFR Part 203 and Noise Control Act of 1972, section 15).

§ 650.175 Waivers and exemptions from noise standards.

Requests for exemption or waiver of a Federal or State noise standard will be forwarded through channels to HQDA (DAEN–ZCE) WASH DC 20310 who will take appropriate action to obtain OSD approval. Waivers will be requested for the specified period of time (normally one year) needed to permit compliance. Exemptions must be fully justified on the basis of mission accomplishment and military necessity.

TABLE 7–1.—RELATED PUBLICATIONS

Executive Order 11514, Protection and Enhancement of Environmental Quality, March 7, 1970 (35 FR 4247).

Executive Order 11752, Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities, December 19, 1973 (38 FR 243).

DOD Instruction 4165.57, Air Installation Compatible Use Zones, July 30, 1973.

Noise Control Act of 1972, Pub. L. 92-574 (86 Stat. 1248).

Amendment to the Federal Aviation Act of 1958 to require Aircraft Noise Abatement (Pub. L. 90-411).

AR 40-5 Health and Environment.

AR 210-20 Master Planning for Permanent Army Installations.

AR 385-10 Army Safety Program.

AR 750-20 Prevention, Control, and Abatement of Pollution from Mobile Equipment.

TB MED 251 Noise and Conservation of Hearing.

MIL-STD 1474 (MI), Noise Limits for Army Material.

User Manual for the Acquisition and Evaluation of Operational Blast Noise Data, Technical Report E-42, Construction Engineering Research Laboratory, June 1974. Available under AD No. 782-911/2G1 from National Technical Information Service (NTIS), Springfield, VA 22151.

Predicting Community Response to Blast Noise, Technical Report E-17, Construction Engineering Research Laboratory, December 1973. Available under AD No. 773-690 from NTIS, Springfield, VA 22151.

HUD Dept. Circular 1390.2, Noise Abatement and Control: Department Policy, Implementation Responsibilities, and Standards.

EPA Document # 550/9-74-004, Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (March 1974).

Subpart H—Historic Preservation

General

§ 650.181 Purpose.

This chapter sets forth guidance and procedures to be used by the Department of the Army in the implementation of Executive Order 11593, "Protection and Enhancement of the Cultural Environment" (36 F.R. 8921, 16 U.S.C. 470), in accordance with:

(a) The Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431 et seq),

(b) The Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461 et seq),

(c) The National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 et seq),

(d) The National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 et seq),

(e) The Archeological and Historic Preservation Act of 1974 (88 Stat. 174, 16 U.S.C. 469 et seq).

§ 650.182 Goal and objectives.

The Department of the Army goal is to protect through preservation, restoration or rehabilitation all sites, structures and objects of historical, architectural, archeological or cultural significance located on Army-controlled property. Objectives in attaining this goal are to identify, report and take those actions necessary to protect and preserve those Army-controlled properties (Historic Properties).

§ 650.183 References.

Related publications which should be used in conjunction with this regulation are contained in table 8-1.

§ 650.184 Policy.

The National Historic Preservation Act of 1966 (Pub. L. 89-665) establishes a national policy for historic preservation stating "that the historical and cultural foundations of the nation should be preserved as a living part of our community life and developed in order to give a sense of orientation to the American people." Therefore, it is the policy of the Department of the Army to—

(a) Locate, inventory, evaluate and nominate to the Secretary of the Interior all properties under Army jurisdiction or control that appear to qualify for inclusion in the National Register of Historic Places (National Register).

(b) Administer and maintain historic properties which are under Army control or jurisdiction in a spirit of stewardship and trusteeship for future generations.

(c) Assess all Army-controlled activities to minimize, eliminate or mitigate any adverse impact on historic properties.

(d) Initiate, plan and budget for support of programs necessary to preserve, restore or rehabilitate historic properties.

(e) Coordinate, when applicable, plans, programs, procedures and activities with the Advisory Council on Historic Preservation, the Secretary of Interior, State Historic Preservation Officers, The National Trust For Historic Preservation, the Smithsonian Institution, and other Federal, State, or local historic organizations.

(f) Encourage and assist the Secretary of the Interior, non-Federal public agencies, local historical societies or similarly oriented organizations to administer and maintain historic properties where such activity does not adversely impact on the performance of the Army mission.

§ 650.185 Definitions.

Definitions as used in these procedures are contained in subparagraph 800.3, 36 CFR 800 (appendix).

§ 650.186 Responsibilities.

(a) The Chief of Engineers will exercise primary Army staff responsibility for directing and coordinating a Preservation Program for Army-controlled historic properties. The Chief of Engineers will—

(1) Promulgate policy and regulations on protection and enhancement of the cultural and historic environment which reflect Department of Defense guidance and policy.

(2) Establish and monitor the program to preserve, restore, or rehabilitate all Army-controlled properties of histroical, achitectual, archeological or cultural significance.

(3) Monitor surveys to identify all Army-controlled properties of historical, architectural, archeological or cultural significance.

(4) Provide guidance and direction to Army installations on the preparation of nominations to the National Register and reports submitted under section 106 of Pub. L. 89-665 and Executive Order 11593, as implemented in 36 CFR Part 800 (appendix).

(5) Maintain, as part of the Inventory of Real property, a record of all Army-controlled properties listed in the National Register. This record will include a copy of the nomination forms with all attachments for each listing and a record of all reports and memoranda of agreement as required under 36 CFR Part 800 (appendix).

(6) Review and evaluate construction programs and master plans to minimize or eliminate adverse impacts on Army-controlled properties of historical, architectural, archeological, or cultural significance.

(7) Insure that all actions undertaken with this guidance have been coordinated, where applicable, with local historical societies; State Historic Preservation Officers (SHPO); the Secretary of the Interior; the Advisory Council on Historic Preservation; the Smithsonian Institution; and the National Trust for Historic Preservation (appendix).

(8) Issue guidance and provide technical assistance on the development and execution of historic preservation projects.

(9) Process permits to authorize archeological investigations (AR 405-80).

(b) The Chief of Military History will—

(1) Publish by 1976 a comprehensive listing of Army-controlled properties listed in the National Register to include the historic significance, photographs and other factors as deemed appropriate. This publication will be updated with a supplement published every 3 years thereafter.

(2) Provide professional support as requested.

(c) Major Army Commands (MACOMS). Major Army Commanders will develop programs, in accordance with TM 5-801-1, Historic Preservation, which will encompass, at a minimum, the following:

(1) The conduct of initial, and triennial surveys thereafter, of installations under their control or jurisdiction to identify all properties of historical, architectural, archeological or cultural significance.

(2) The programing and budgeting of funds for the maintenance through preservation, restoration, or rehabilitation of structures, sites and objects of historical, architectural, archeological or cultural significance.

(3) The retention and use of historic properties which are a functional part of Army installations or are so located that their disposal is impractical.

(4) The nomination to the National Register of all Army-controlled properties which appear to meet the minimum criteria established by the Secretary of the Interior (appendix).

(5) The coordination of proposed actions having an effect on a registered and/or nominated historic property with the SHPO and the Advisory Council on Historic Preservation as required by 36 CFR Part 800. (§ 650.190 and appendix).

(6) The inclusion, where applicable, of evidence of compliance with 36 CFR Part 800 in each environmental assessment or environmental impact statement (§ 650.190).

(7) The maintaining of a record of each property under their control or jurisdiction which is listed in the National Register including a copy of the nomination forms with all attachments and a record of all reports and memoranda of agreement as required under 36 CFR Part 800.

(8) The protection of archeological sites by insuring that all investigations, excavations and salvage activities are undertaken with the written concurrence of the Secretary of the Interior and the Smithsonian Institution in accordance with AR 405–80.

STANDARDS AND PROCEDURES

§ 650.187 Standards.

The preservation, restoration, rehabilitation and maintenance of historic properties under Army control or jurisdiction will be accomplished in accordance with the standards and procedures established by the Secretary of the Interior and as promulgated by the Chief of Engineers in TM 5–801–1, Historic Preservation.

§ 650.188 Procedures for preparing nominations to the National Register (RCS DOI–1005).

Procedures for preparing nomination forms for Army controlled properties which appear to qualify for listing in the National Register of Historic Places are contained in TM 5–801–1. Completed forms will be forwarded through channels to HQDA (DAEN–MCP–A) WASH DC 20314. RCS DOI–1005 applies.

§ 650.189 Funding of Historic Preservation Activities.

(a) Funding for the requirements for historic properties will be accomplished through regular programing/budgeting channels.

(b) Historic properties in the Army Family Housing inventory will be funded in the Family Housing Management Account. Requirements for historic properties other than family housing will be supported by the appropriation financing all other real property maintenance activities on the installation.

(c) Projects for restoration and/or rehabilitation of historic properties, which include construction-type work in excess of $50,000, will be included in the installation's military construction programs for accomplishment under MCA or FHMA programing procedures as outlined in AR 415–15 and 210–50. Block 25 of DD Form 1391 (Military Construction Project Data) of these projects will contain a statement identifying the project as supporting a historic property listed in the National Register.

(d) Projects for preservation of registered historic places, which include construction-type work not in excess of $50,000, will be identified and processed for approval by the appropriate approving authority, as reflected in AR 415–35 and/or AR 420–10, and will be programed and budgeted in the normal budget cycle. Requirements will be identified to the proper supporting appropriation (FHMA, OMA, OMAR, etc.) in the installation and command budget submissions (RCS CSAB 205 series), and specifically identified as supporting a historic property listed in the National Register (AR 415–15).

§ 650.190 Utilization of historic properties.

(a) Historic properties which are a functional part of Army installations or are so located that their disposal or outleasing is impractical will be preserved and maintained by the installation commander. All efforts will be made to utilize these properties for military purposes in order to justify funds expended under this program. The concept of "adaptive use" (TM 5–801–1) for these properties compatible with their cultural values will be observed, whenever possible. Where this is not possible, a stabilization project will be developed to prevent further deterioration of the property.

(b) In all instances, the planned use of a historic property listed in the National Register will be reviewed with the SHPO and the Advisory Council on Historic Preservation in accordance with 36 CFR Part 800 (§ 650.190 and appendix).

(c) Historic Properties which would be more adequately administered by the Department of the Interior, non-Federal public agencies, local historical societies or similarly oriented organizations should not be retained by the Army. Therefore, when there is no adverse impact on the performance of the Army mission, the installation commander may recommend, in the Analytical Report of the Installation Master Plan, the disposal of a historic property for historic monument purposes in accordance with AR 405–90 and the Federal Property and Administrative Services Act of 1949 as amended, or recommend its outleasing for historic preservation, park and recreation or similar purposes in accordance with AR 405–80. In the latter case, the installation commander's recommendations must include assurances that the grantee has a viable plan for use of the property in a manner compatible with preservation objectives and policies. In such instances, the installation commander will notify the SHPO and the Advisory Council on Historic Preservation and, if appropriate, consummate a "Memorandum of Agreement" that the proposed action will not adversely affect the historical, architectural, archeological or cultural value of the property (§ 650.191).

§ 650.191 Compliance procedures.

(a) The applicable Federal Regulation that contains the review requirements of section 106 of Pub. L. 89–665 and Executive Order 11593 is 36 CFR Part 800, Procedures for the Protection of Historic and Cultural Properties, and is included in its entirety in the appendix.

(b) Any action which may have an effect on a National Register property or an historic place which appears eligible for listing in the National Register must go through two integral but separate review procedures. First, the environmental impact assessment (subpart B of this part) must identify cultural resources potentially affected by the proposed action. Second, where the identification of cultural resources indicates that properties included in the National Register will be affected, evidence of compliance with the review requirements of 36 CFR Part 800 shall be included in the environmental impact assessment and/or EIS Comments by the Advisory Council on Historic Preservation, should be included in the EIA or draft EIS and must be included in the final EIS.

(c) If there is an effect, but it is determined that the action will not have an adverse effect, a description of the proposed action together with the commander's determination of "no adverse effect" will be forwarded to the SHPO for comments. If the SHPO concurs in the findings, then a copy of this correspondence will be forwarded to the Executive Director of the Advisory Council on Historic Preservation (§ 650.191(f)). If there is no reply within 45 days, the action may proceed.

(d) If it appears that there will be an adverse effect, the installation commander will prepare a technical report documenting the identification of cultural resources, the assessment of the impact of the undertaking on those resources, and the feasibility of mitigative measures. All mitigative measures proposed to minimize adverse effects on properties included or eligible for inclusion in the National Register should have the concurrence of the SHPO and the Advisory Council on Historic Preservation and should be documented in a memorandum of agreement signed by all three parties. In most cases, an on-site inspection/consultation by the signees is required as part of the development of the memorandum of agreement. All correspondence regarding the determination of "no adverse effect," (§ 650.191(b)) or in obtaining a memorandum of agreement is to be forwarded to the parties directly involved with information copies to the appropriate major command and HQDA (DAEN–MCZ–E) WASH DC 20314.

(e) If a memorandum of agreement cannot be consummated, the case will be forwarded through Army channels to HQDA (DAEN–MCZ–E) WASH DC 20314, who will in turn forward it to the Advisory Council on Historic Preservation for review and evaluation. Where a memorandum of agreement cannot be obtained or an unfavorable ruling is obtained from the Advisory Council, then an Environmental Impact Statement containing the comments of the Advisory Council must be prepared covering the basic action and the proposed

mitigative measures. If it is determined that the Army should proceed with the proposed action and that action will result in the destruction or major alteration of the property, then records of the property, including measured drawings, photographs and written data will be prepared for deposit in the Library of Congress as part of the Historic American Buildings Survey or the Historic American Engineering Records in accordance with the standards promulgated by the Office of Archeology and Historic Preservation, Department of the Interior, Wash DC 20240. (TM 5-801-1 explains the standards and § 650.192 discusses archeology).

(f) Advice on matters relating to implementing 36 CFR Part 800 may be obtained from the Advisory Council on Historic Preservation as indicated below:

(1) Eastern Area: Executitve Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, NW, Washington, DC 20005, Telephone: (202) 254-3974.

(2) Western Area: Director, Western Office, Advisory Council on Historic Preservation, P.O. Box 25085, Denver, Colorado 80225, Telephone: (303) 234-4946.

§ 650.192 Archeological sites.

(a) The Secretary of the Army, under the authority of 16 U.S.C. 432, may issue archeological permits on Army-controlled installations after referral of the permit application to the Smithsonian Institution for his recommendations (AR 405-80).

(b) All Army-controlled property will be surveyed to identify and locate archeological sites. Due to the magnitude of such surveys, installation commanders will establish coordination with the appropriate field offices of the National Park Service, SHPO and/or EO 11593 consultant, to review current Army plans, programs and activities which may lead to the destruction of an archeological site and to develop survey schedules for affected areas. Since Army activities may necessarily lead to destruction of archeological sites, the survey must include value judgments assessing the relative significance of the surveyed sites so that destruction of the more significant archeological sites may be avoided.

(c) The National Park Service may not be able to provide timely surveys of archeological resources necessary for preparation of legally sufficient environmental statements on Army activities. In these cases, the installation commander is authorized to contract with outside experts for the survey of archeological sites after receipt of a written turndown by the National Park Service, except as limited in paragraph (c)(2) of this section. Copies of all such surveys should be furnished appropriate field officials of the National Park Service.

(1) While such inventories would generally be confined to a literature search and a reconnaissance of the affected area, there may be occasions when testing of archeological sites will be necessary in order to establish the need for the National Park Service to budget full-scale archeological survey programs at a later date.

(2) In any instance where estimated contract cost of such work exceeds $25,000, the matter must be referred to HQDA (DAEN-MCZ-E) WASH DC 20314 prior to consummation of a contract.

(d) A copy of the program requirements for archeological investigations and salvage activities as jointly determined by the installation commander and the National Park Service will be provided HQDA (DAEN-MCZ-E) WASH DC 20314, in order to assist in overall program coordination between DAEN-MCZ-E and the Office of Archeology and Historic Preservation, Department of the Interior.

(e) Salvage activities. (1) Procedures for authorizing archeological salvage activities on Army-controlled property are contained in AR 405-80.

(2) Installation commanders are responsible for instituting security measures for the protection of an archeological site during salvage operations. Assistance in salvage operations may be made when determined to be within the capability of the installation.

(3) Permits for archeological investigations and salvage activities will identitfy a museum responsible for preserving artifacts found as a result of the investigation. Therefore, where appropriate, permits for archeological investigations on Army-controlled property will designate the post museum as the recipient of all specimens. If the post museum is not appropriate, the Commander, US Army Center of Military History will determine which museum will be designated.

(f) In the event that a suspected archeological site is encountered during construction or some other form of activity, operations in the area will be suspended until the Secretary of the Interior is consulted and the site is investigated by a professional archeologist approved by the Secretary of the Interior. All construction contracting procedures, both through direct contracting or by the District Engineer, will be amended to require the provision to obtain expert archeological analysis as required. Installation commanders and District Engineers are authorized to expend funds appropriated for Army activities for the survey and salvage of scientific, historic, archeological and paleontological resources which are being or may be irreparably lost or damaged as a result of those Army activities. Such expenditures may not exceed one percent of the project amount.

§ 650.193 National Historic Landmarks.

(a) The National Park Service regularly surveys historic properties under the National Historic Landmark Program. Designation of a National Historic Landmark automatically places the property in the National Register of Historic Places.

(b) Notification from the Department of the Interior that Army-controlled property has been designated as a National Historical Landmark will be forwarded through channels to HQDA (DAEN-MCZ-E) Wash, DC 20314. Also, subsequent correspondence regarding the landmark such as plaque application, notifications of annual visits and other related matters will be forwarded to the Department of the Interior with information copies to HQDA (DAEN-MCZ-E) Wash, D.C. 20314.

TABLE 8-1.—RELATED PUBLICATIONS

The National Register of Historic Places—1972. USDI (Available from the Superintendent of Documents, US Government Printing Office, Washington, DC 20402. Price $7.80 domestic postpaid, or $7.25 GPO Bookstore. Stock No. 2405-0294).

The National Register of Historic Places—Supplement—1974. USDI (Available from Superintendent of Documents, US Government Printing Office, Washington, DC 20402. Price $9.45. Stock No. 2405-00542).

AR 210-20	Master Planning for Permanent Army Installations.
AR 405-80	Granting Use of Real Estate.
AR 405-90	Disposal of Real Estate.
AR 415-15	MCA Program Development.
AR 415-35	Minor Construction.
AR 420-10	General Provisions, Organization, Function and Personnel.
AR 420-70	Buildings and Structures.
AR 870-5	Military History: Responsibilities, Policies and Procedures.

Subpart I—Oil and Hazardous Substances Spill Control and Contingency Plans

GENERAL

§ 650.201 Purpose.

This chapter sets forth the procedures for the control of discharges of oil and hazardous substances under the Federal Water Pollution Control Act (FWPCA) Amendments of 1972 and as promulgated by US Environmental Protection Agency and US Coast Guard Regulations. Further guidance on hazardous and toxic materials management appears in subpart F of this part.

§ 650.202 Goal and objectives.

The Department of the Army goal, in support of national policy, is to prevent the discharge of oil and hazardous substances and to provide for the prompt, coordinated responses to contain and clean up spills should they occur. Objectives for attaining this goal are to—

(a) Transport, store, handle, and dispose of oil, fuels, lubricant products, and hazardous liquid substances in a safe and environmentally acceptable manner.

(b) Institute a responsive alert procedure in the event of a spill and be prepared to rapidly respond in the containment and cleanup of a spill.

(c) Plan for and cooperate with other Federal, State, interstate and local Government agencies to insure that the public health and welfare are provided adequate protection from discharge of oils and other hazardous liquid substances.

§ 650.203 Explanation of terms.

For the purpose of this regulation and AR 500-60, the following apply—

(a) *Advisory agencies.* Departments or agencies which can make major contributions during response activities for certain types of discharges. These agencies are: the Nuclear Regulatory Commission; Department of Health, Education and Welfare; Department of Justice; Federal Disaster Assistance Administration; and Department of State.

(b) *Coastal waters.* Generally, those US waters nagivable by deep draft vessels, the continguous zone, the high seas, and other waters subject to tidal influence.

(c) *Contiguous zone.* The entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone. This is the zone contiguous to the territorial sea which extends 12 miles seaward from the baseline from which the territorial sea is measured.

(d) *Discharge.* Includes but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying, or dumping that poses a threat to public health or welfare. For the purpose of the Spill Prevention Control and Countermeasure Plan (SPCC Plan) and the Installation Spill Contingency Plan (ISCP), the term discharge shall not include any discharge of oil which is authorized by a permit issued by a Federal or State authority; i.e., issued pursuant to section 13 of the River and Harbor Act of 1899 (30 Stat. 1121, 33 U.S.C. 407), or sections 402 or 405 of the FWPCA Amendments of 1972 (86 Stat. 816 et seq., 33 U.S.C. 1251 et seq.).

(e) *Discharge classifications.* The following classifications are provided for guidance and serve as criteria for reporting and general response actions. They are not meant to imply or connote associated degree of hazard to the public health or welfare, or a measure of environmental damage. A discharge that poses a substantial threat to the public health or welfare, or results in critical public concern will be classed as a major discharge, notwithstanding the following quantitative measures.

(1) *Minor discharge.* A discharge to the inland waters of less than 1000 gallons of oil, or a discharge of less than 10,000 gallons of oil to the coastal waters.

(2) *Medium discharge.* A discharge of 1,000 to 10,000 gallons of oil to the inland waters, or a discharge of 10,000 to 100,000 gallons of oil to the coastal waters, or a discharge of a hazardous substance in a harmful quantity as defined in EPA or Army regulations.

(3) *Major discharge.* A discharge of more than 10,000 gallons of oil to the inland waters, or more than 100,000 gallons of oil to the coastal waters, or a discharge of a hazardous substance that poses a substantial threat to the public health or welfare.

(f) *Hazardous substance.* An element or compound, or mixture, (other than oil) which, when discharged in any quantity onto land or into or upon navigable or coastal waters, presents an imminent and substantial danger to the public health or welfare, including fish, shellfish, wildlife, shorelines, and beaches; e.g., hazardous substances include strong acids, strong bases, potentially toxic pesticides, or other bulk-stored chemicals used in manufacturing processes and maintenance or repair operations.

(g) *Inland waters.* Generally, those waters upstream from coastal waters.

(h) Installation On-Scene Coordinator (IOSC). The official predesignated by the Army Installation Commander to coordinate and direct Army control and cleanup efforts at the scene of an oil or hazardous substance discharge on or adjacent to an Army installation.

(i) *Installation Response Team (IRT).* Those collective individuals on an installation designated to act in an emergency to perform those functions directed by the IOSC.

(j) *National Response Center (NRC).* The Washington, D.C., headquarters for coordinating activities relative to pollution emergencies. It is located at Headquarters, USCG.

(k) *National Response Team (NRT).* A team of representatives from the Primary and Advisory Agencies which serves as the national body for planning and preparedness actions prior to a pollution discharge and for coordination and advice during a pollution emergency.

(l) *Navigable waters of the United States.* "Navigable waters" as defined in section 502(7) of the FWPCA amendments of 1972 (Pub. L. 92–500) and—

(1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 amendments to the FWPCA (33 U.S.C. 1251 et seq.), and tributaries of such waters;

(2) Interstate waters;

(3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and

(4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

(m) *Nontransportation-related onshore and offshore facilities.* Includes, but is not limited to, oil storage facilities and related equipment and appurtenances, as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps, and drainage systems used in the storage of oil. These facilities include—

(1) Waste treatment facilities including in-plant pipelines, effluent discharge lines, and storage tanks, but excluding waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels and associated systems used for offloading vessels.

(2) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation-related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles or railroad cars.

(3) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a nontransportation-related facility and which are not intended to transport oil in interstate or intrastate commerce.

(4) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation-related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.

(n) *Offshore facility.* Any facility located in, on, or under any of the navigable waters of the United States, which is not a transportation-related facility.

(o) *Oil.* Oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, and oil mixed with wastes other than dredged spoil. The terms "oil" and "POL" are used interchangeably in this regulation.

(p) *On-Scene Coordinator (OSC).* The Federal official predesignated by the EPA or the USCG to coordinate and direct Federal discharge removal efforts in approved regional contingency plans at the scene of an oil or hazardous substance discharge.

(q) *Onshore facility.* Any facility located in, on, or under any land within the United States, other than submerged lands, which is not a transportation-related facility.

(r) *Potential discharge.* Any incident or circumstance which threatens to result in the discharge of oil or a hazardous substance.

(s) *Primary agencies.* Federal Departments or agencies comprising the NRT and designated to have primary responsibility and resources to promote effective operation of the National Oil and Hazardous Substances Pollution Contingency Plan. These agencies are the Departments of Commerce, Interior, Transportation, Defense, and the Environmental Protection Agency (EPA).

(t) *Public health or welfare.* All factors affecting the health and welfare of man. They include but are not limited to, human health, the natural environment, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(u) *Regional administrator.* The Regional Administrator of the EPA, or his designee, in and for the region in which the facility is located.

(v) *Regional Response Center (RRC).* The Federal regional site for the control of pollution emergency response activities. It provides communications, information storage, and necessary personnel and facilities to promote the proper functioning and administration of regional pollution emergency response operations.

(w) *Regional Response Team (RRT).* A team of regional Federal representatives of the Primary or selected Advisory Agencies, which acts within its region as an emergency response team performing functions similar to those of the NRT.

(x) *Spill event.* A discharge of oil or hazardous substance on land or into or upon the navigable waters of the United States or adjoining shorelines in harmful quantities. For oil, a harmful quantity is that oil in excess of established State water quality standards; or that which causes a film, sheen, or discoloration on the surface of the water or adjoining shorelines; or quantities in ex-

cess of 1000 U.S. gallons on land. For other hazardous substances, quantity guidelines will be published by DAEN-ZCE when information is developed by EPA.

(y) *Toxic pollutant.* Those pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

(z) *Vessel.* Every type of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.

§ 650.204 Policies.

(a) A capability will be established and maintained to respond in emergency situations to promptly contain and clean up accidental DA-caused oil discharges and spills of hazardous and toxic substances that occur at or near Army installations and activities.

(b) Assistance will be provided to contain and clean up non-DA-caused spills under the provisions of the National Oil and Hazardous Substances Polution Contingency Plan consistent with operational commitments.

(c) All materials (including oils, fuels, petroleum products, and other hazardous chemicals) will be handled, used, and stored to avoid or minimize the possibility of an accidental spill and potential pollution of land, air, and water.

(d) Storage facilities for oil and other hazardous substances (at date described herein) will be designed to incorporate such safeguards as dikes, catchment areas, and relief vessels to contain the flow of oil and hazardous liquids and to minimize the contamination of land and water resources.

(e) DA agencies will cooperate with the Council on Environmental Quality, Department of Interior, Department of Transportation, the Environmental Protection Agency, and the Department of Commerce in the planning and execution of activities to minimize the possibility of discharges or mitigating the effects of spills, wherever they occur.

(f) Contracts for disposal of oil or other wastes will contain provisions that require the disposal method to be in accordance with Federal, State, and/or local regulations and standards.

(g) Each installation or activity with the capability of storing, dispensing or discharging oils, oil products, and bulk quantities of liquid toxic and hazardous substances will prepare, maintain and implement a current SPCC Plan and an ISCP as specified herein. (The requirements for a spill prevention plan and a spill contingency plan may be satisfied by one plan with two distinctive sections—SPCC and ISCP).

§ 650.205 Implementing guidelines.

(a) The willful discharge of oil, petroleum products or hazardous and toxic substances from installations, vehicles, aircraft, and watercraft onto land or into waters is prohibited except in cases of extreme emergency and if considered essential for the protection of human life. Every reasonable precaution, therefore, will be taken to prevent the accidental discharge of oil or petroleum products on land or water or their vapors to the air.

(b) Oil-water separators will be installed and maintained to reduce the oil content of oil-water wastes produced from vehicle and equipment washracks, industrial processes, steam cleaning operations, etc., to levels specified by Federal, State or local standards.

(c) The discharge of ballast water from vessels will be strictly controlled either by the use of ship-board or on-land oil-water separators capable of processing accumulated waste waters. Oil and fuel contaminated wastes produced during the cleaning of fuel storage tanks and combustion engine components will also be collected and treated for oil removal prior to discharge.

(d) Waste oil produced on Army installations will be collected, segregated, and protected to avoid contamination. Where cost effective, waste oil will be used as a fuel additive in large oil burning heating plants. Waste oil will not be used as a dust palliative on roads or other surfaces. If the generating installation does not have the capability to use the waste oil, it will be offered to other installations that are located within cost-effective transportation distances. If the oil cannot be cost-effectively used, it will be reported to a Defense Property Disposal Office in the area for disposal.

(e) Waste water discharges will be monitored for oil content and other toxic and hazardous substances in accordance with the provisions of the permits issued under the National Pollutant Discharge Elimination System (NPDES).

(f) DA will provide representatives to the RRT located in each of the Standard Federal Regions (figure 9-1) in accordance with § 650.206. The number of representatives may vary, depending upon the requirements in that Federal regional area and with details specified in each regional contingency plan.

(g) The RRT will be activated automatically if a major or potentially major discharge occurs. In any other pollution emergency, the RRT may also be activated upon an oral request by any Primary Agency representative to the Chairman of the RRT. Such requests for team activation shall be confirmed in writing.

(h) During a major pollution discharge involving activation of the RRT, the IOSC may be directed and controlled by the EPA or USCG OSC.

(i) In the event an installation commander provides assistance on non-DA caused spills (those not covered by EPA, USCG or the National Plan) a civil support release and/or reimbursement agreement should be obtained similar to appendix A, AR 75-15. Paragraph 216011, AR 55-355, Assistance to Carriers, also provides guidance.

§ 650.206 Responsibilities.

(a) Department of the Army Staff.

(1) The Chief of Engineers will—(i) Promulgate basic policies and procedures for Department of the Army implementation of the National Oil and Hazardous Substances Pollution Contingency Plan (National Plan) for Army-caused discharges and for the preparation and implementation of SPCC and ISCP plans.

(ii) Provide technical direction, design guidance, and engineering procedures to military installations on implementation of SPCC and ISCP plans.

(iii) Provide primary and alternate members (for Civil Works) to the RRT in each of the Standard Federal Regions as required. Nominations will be provided directly to the Chairman of the RRT.

(2) Deputy Chief of Staff for Operations and Plans will exercise Army Staff supervision of DA support to the EPA and USCG in the cleanup of pollution discharges caused by other than Army agencies under the National Oil and Hazardous Substances Pollution Contingency Plan.

(3) The Inspector General and Auditor General, (Army Director of Safety) will provide assistance and guidance on the safety aspects of the storage, use, handling, and disposal of hazardous and toxic substances.

(4) The Surgeon General will provide assistance and guidance on the health and environmental aspects of the storage, use, handling, and disposal of hazardous and toxic substances.

(b) Major Army commanders will—(1) Promulgate instructions for early preparation and periodic review of the ISCP for prompt identification, reporting, containment, and cleanup of accidental oil discharges and spills of hazardous and toxic substances at or near Army installations.

(2) Initiate a program for an initial survey and periodic evaluation of oil storage transfer and handling facilities for the purpose of developing an SPCC Plan for each installation.

(3) Program and budget for personnel, materials and equipment required for oil and hazardous substances spill prevention, containment and cleanup activities of DA-caused spills at Army installations.

(c) Commanding General, FORSCOM will—(1) Upon oral request, confirmed in writing by the EPA or USCG, provide personnel and resources support in accordance with the provisions of AR 500-60 during activation of the NRT and/or RRT and implementation of the National Oil and Hazardous Substances Pollution Contingency Plan. Such support is to be on a reimbursable basis.

(2) Provide primary and alternate representatives (for military matters) to the RRT for each Standard Federal Region as required. Nominations will be provided directly to the Chairman of the RRT.

(d) Installation and activity commanders will—(1) Establish SPCC Plans and ISCPs and procedures to prevent spills and to insure prompt reporting, containment, and cleanup of accidental discharges of oil and hazardous substances that occur at Army installations and nearby activities.

(2) Perform periodic surveys or inspections to verify compliance with the provisions of this regulation and to periodically test the effectiveness of SPCC Plans and ISCPs.

(3) Insure that all fuels, oils and hazardous materials (such as acids, bases, organic solvents, and other toxic chemicals) are used, stored and handled to avoid or minimize the possibilities of environmental pollution.

(4) Provide engineering safeguards (such as dikes, catchment areas, relief vessels) necessary to prevent pollution of navigable waters by accidental discharge of stored fuels, solvents, oils, and other chemicals.

(5) Identify in their ISCP (§ 650.214) other possible DA resources that could be made available to the RRT if DA agencies are requested to assist in the containment and/or cleanup of a non-DA caused spill in accordance with AR 500–60.

(6) When directed by CG, FORSCOM, provide available resources to support the OSC during implementation of the National Oil and Hazardous Substances Pollution Contingency Plan (AR 500–60).

(7) Inform the installation information officer and next higher information office about the anticipated news media coverage and local public reaction to an accidental discharge of oil or hazardous substances.

(8) Program and budget for personnel, materials, and equipment required for oil and hazardous substances spill prevention, containment and cleanup of DA-caused spills.

(9) Determine, for DA-caused off-post spills in the immediate vicinity of the installation, if his military organization is within the most reasonable distance of the pollution discharge and if he has the resource capability to respond to the discharge incident. If he does not respond to the containment and cleanup of the spill, the installation commander will insure that the RRT and appropriate DOD agencies are notified for necessary action.

(10) Insure that all reportable spills of oil and hazardous substances are reported through channels to DAEN–FEU and to EPA, USCG or other civil authorities (§§ 650.215–650.218).

§ 650.207 References.

See table 9–1 for related publications to be used in conjunction with this subpart.

Spill Prevention Control and Countermeasure Plan

§ 650.208 General.

Regulations have been issued by the US Environmental Protection Agency (EPA), as required by the Federal Water Pollution Control Act (FWPCA) amendments of 1972, to prevent discharges of oil into the navigable waters of the United States and to contain these discharges if they do occur. These regulations require installations having certain nontransportation-related onshore and offshore oil storage facilities (as described below) to prepare, maintain, and implement a Spill Prevention Control and Countermeasure Plan (SPCC Plan) to prevent and control the discharge of oil and hazardous substances before they occur.

(a) The SPCC Plan will identify potential sources of oil and hazardous substances and the measures required to prevent and contain any accidental discharge resulting from equipment or storage facility failure. The SPCC Plan is directed by Title 40 CFR Part 112, copies of which are available from the EPA, Washington, DC 20242 or from any EPA regional office.

(b) Army installations will prepare and implement a current SPCC Plan when their oil or hazardous substance storage facilities meet any one of the following:

(1) Aggregate above-ground oil storage, at any one location on the installation, is greater than 1320 gallons.

(2) Any single tank above-ground oil storage, at any one location on the installation, is greater than 660 gallons.

(3) Total underground oil storage, at any one location on the installation, is greater than 42,000 gallons.

(4) Single bulk storage of hazardous liquid substances (acids, chemical solvents, etc.) is greater than 500 gallons. The 500 gallon limit represents that total combined quantity of hazardous liquid substance at a single storage location on an installation.

(5) Nontransportation-related onshore and offshore facilities which, because of their location or operations, could reasonably be expected to discharge oil or hazardous material in harmful quantities into or upon the navigable waters of the United States.

(c) For purposes of an SPCC Plan, the oil storage facilities will include, but not be limited to, storage for a facility such as a heating or boiler plant, electric generating unit, fuel dispensing or transfer facility, tank car or truck loading/unloading rack, bulk fuel storage, etc. An above-ground or underground oil storage facility may be a single tank or grouping of tanks in a localized area on an installation.

§ 650.209 Preparation and implementation of plan.

(a) An SPCC Plan will be prepared expeditiously by each installation having oil or hazardous substances storage facilities as required in § 650.208(b), and each plan will be periodically reviewed and updated as necessary.

(b) Completed plans will be fully implemented (including required construction and installation of equipment and/or training of personnel) as soon as possible after January 10, 1975. Newly activated installations will prepare an SPCC Plan within 6 months after the date they begin operation and will fully implement it not later than 1 year after operations begin.

(c) An extension of time for the preparation and full implementation of an SPCC Plan beyond the times specified may be obtained from the EPA Regional Administrator. A copy of any request for an extension will be furnished through command channels to HQDA (DAEN–ZCE) Wash., DC 20310.

§ 650.210 Review and evaluation.

Each SPCC Plan will be—(a) Reviewed by a registered Professional Engineer (PE) and certified to have been prepared in accordance with good engineering practices, after on-site examination of the facility, and after familiarity with Title 40 CFR Part 112. This certification may be accomplished by a PE at the next higher command if no PE is available at the installation.

(b) Maintained current. Changes will be reviewed by a registered professional engineer and will be made available for on-site review by the EPA regional administrator at the office of the facilities engineer.

(c) Reviewed and evaluated at least once every 3 years. If the review shows that more effective prevention and control technology will significantly reduce the likelihood of a spill event and if the technology has been field-proven and can be procured and installed at the time of the review, the DA component will amend the SPCC Plan to include the more effective technology and have it certified by a registered professional engineer. Technological improvements should be included in Operation and Maintenance, Army or Major Construction, Army budgets as appropriate.

(d) Reviewed and amended in accordance with § 650.216, as required by the EPA Regional Administrator, whenever a facility has discharged more than 1,000 US gallons of oil into the navigable waters in a single spill event or when there have been two spill events within any 12-month period.

§ 650.211 Minimum plan requirements.

As a minimum, the SPCC Plan will contain—(a) A detailed description of the equipment and measures specified for oil spill prevention, control, and countermeasure, including structures and equipment for diversion and containment of discharges, facility drainage, and identification of resources to cleanup spills. Measures adopted should permit as far as practical reclamation of spilled substance. Many prevention and control requirements are similar to safety requirements for the design and operation of oil tanks, pipelines and pumping facilities.

(b) A description of each nontransportation-related spill event that has occurred at that facility within the past 12 months with corrective actions taken, and plans for preventing recurrence.

(c) An inventory list of storage, handling, and transfer facilities for which there is a reasonable possibility of a significant discharge of oil or other hazardous polluting substances. For each list-

ing, where experience indicates a reasonable potential for equipment failure (e.g., tank overflow, rupture, or leakage), include a prediction of the direction, rate of flow, and total quantity of oil which could be discharged as a result of a major type of failure.

(d) A graphic description showing all containment and/or diversionary structures or equipment required to prevent discharged oil from reaching a navigable water course. Included among the various preventive measures that can be employed are: Impervious berm and dike; curbing; culverting, gutters, or other drainage systems; weirs, booms, or other barriers; spill diversion ponds; and retention ponds. If it is not practicable to install structures, sorbent materials such as straw or commercial products can be used for containment or cleanup of spills at locations specified in the plan.

(e) When it is determined that the installation of the preventative structures or equipment listed § 650.211(d) is not practicable, the installation commander will demonstrate fully such impracticability and include the written provisions of the Installation Spill Contingency Plan (ISCP) in this section of the SPCC Plan.

§ 650.212 Detailed guidance.

In addition to the minimum prevention measures (§ 650.211), sections of the SPCC Plan will include a written analysis and complete discussion of conformance with applicable guidelines on other effective spill prevention and containment procedures. The guidelines are described in Title 40 CFR Part 112.7(e) and cover the following areas:

(a) Onshore facility diked storage drainage areas including valve restraints.

(b) Onshore bulk storage tank and dike construction material, liquid alarm systems and sensing devices.

(c) Facility transfer operations criteria for piping, valves, and inspection requirements.

(d) Facility tank car and tank truck loading/unloading rack, barriers, and warning requirements.

(e) Inspections and records procedures.

(f) Security fencing, pump control, pipeline connections and lighting systems devices.

(g) Personnel, training, and spill prevention procedures.

INSTALLATION SPILL CONTINGENCY PLAN

§ 650.213 General.

A National Oil and Hazardous Substances Pollution Contingency Plan was developed in accordance with the provisions of the Federal Water Pollution Control Act (FWPCA) Amendments of 1972 (33 U.S.C. 1151 et. seq.) and requires Federal agencies to develop a plan to cleanup discharges of oil and hazardous substances for which they are responsible. Commanders will maintain an Installation Spill Contingency Plan (ISCP) to identify resources to be used to cleanup discharges on Army installations and will be prepared to provide assistance to non-DA agencies when requested. (AR 500–60 provides policy and guidance for the DA response to the National Oil and Hazardous Substance Pollution Contingency Plan to assist EPA and the U.S. Coast Guard (USCG) in spills caused by other than DA agencies).

(a) The ISCP will establish the responsibilities, duties, procedures, and resources to be employed, to contain and cleanup accidental discharges.

(b) All Army installations will maintain a current ISCP which will be reviewed and evaluated at least once every 3 years.

(c) The resources identified for possible use by a RRT in support of the National Oil and Hazardous Substances Pollution Contingency Plan are to be specifically identified as an element of the ISCP.

(d) The ISCP will be simulated at least annually by the installation commander in coordination with the responsible officers of the SPCC Plan in order to insure timely and effective personnel and equipment response in the event of an accidental discharge.

§ 650.214 Minimum plan requirements.

As a minimum the ISCP will contain—

(a) The name, responsibilities and duties of the installation on-scene coordinator (IOSC). The IOSC is the official predesignated by the Installation Commander to coordinate and direct Army control and cleanup efforts at the scene of an Army caused oil or hazardous substance discharge on or adjacent to an Army installation.

(b) The specification, composition, and training plans of the installation response team (IRT) which acts as an emergency response team performing response functions as defined and directed by the IOSC. A preplanned location for an installation response operations center.

(c) IRT alert and mobilization procedures including provisions for access to a reliable communications system for timely notification of an oil or hazardous substance discharge.

(d) A current list of positions, telephone numbers, and addresses (e.g. names of key contact people in an ISCP appendix) of the responsible persons and alternates on call to receive notification of an oil or hazardous substance discharge as well as the names, telephone numbers and addresses of key organizations and agencies to be notified when a discharge is discovered.

(e) Surveillance procedures for the early detection of oil and hazardous substances discharges.

(f) Quantities and locations of manpower, equipment, vehicles, supplies, and material resources required to expeditiously contain, recover, and remove any maximum harmful quantity of oil or hazardous substance discharged by Army activities on post or at nearby Army operations. Plans will identify specific action for various size potential spills, (identified in the SPCC Plan inventory list (§ 650.211(c))), and will identify a priority list in which various critical water uses are to protected as a result of a discharge.

(g) Sources of additional resources that are available to an installation for the cleanup or reclamation of a large DA-caused spill, if such a pollution spill exceeds the response capability of the installation (e.g., resources such as U.S. Coast Guard, Air Force, Navy or private contractors). An established, prearranged procedure for requesting assistance, and agreements for acquisition of resources, during a major disaster or response exceeding situation.

(h) Procedures and techniques to be employed in identifying, containing, dispersing, reclaiming and removing oil and hazardous substances used in bulk quantity on an installation. Identification of chemicals (whose technical product data has been provided to and accepted by EPA) that may be used to concentrate, neutralize, collect, disperse and remove oil or hazardous substances discharges. Pollution control actions taken will be in accordance with applicable Federal, State, or local standards, EPA guidelines, and the current National Oil and Hazardous Substances Pollution Contingency Plan.

(i) Reporting procedures as required by §§ 650.215 and 650.216 in the event of an oil or hazardous substance discharge by Army activities.

(j) Army resources useful to the RRT in the event Army agencies are tasked to aid in the cleanup of a non-Army caused spill. Specific procedures to facilitate recovery of costs encountered during cleanup of non-Army spills are given in AR 500–60.

REPORTS OF ARMY ACCIDENTAL OIL AND HAZARDOUS SUBSTANCE DISCHARGES

§ 650.215 General.

All personnel assigned or employed by the Department of the Army will promptly report any observed oil spill, significant discharges of hazardous and toxic substances, or evidence of a spill by discovery of a slick or sheen on water from oil, gasoline, jet fuel, or other hazardous polluting substance. Spill events will be reported immediately by telephonic means to the USCG Local Unit, District Office or National Response Center (800) 424–8802. On-post spill events (§ 650.203) not entering navigable waters are to be reported in accordance with local procedures and off-post incidents should be reported to the nearest or appropriate political jurisdiction and to the RRT at the RRC.

§ 650.216 Pollution Incident Report (RCS EPA 1001).

(a) Medium and major spills (§ 650.203) and any discharge of more than 1,000 U.S. gallons of oil or a spill of more than 500 U.S. gallons of other hazardous liquid substance into navigable waters on or adjacent to an Army installation in the United States will be promptly reported by the IOSC by telephonic means to (800) 424–8802, or to the nearest USCG District Office, to the EPA Regional Office, and electronically through

channels to HQDA (DAEN–ZCE), Wash., D.C. 20310. (See figures 9–1 and 9–2 for Regions and Districts).

(1) When it has been determined by the OSC that a spill of a hazardous substance (less than 500 gallons) is in a harmful quantity or that the discharge poses a substantial threat to the public health or welfare, it will be classed as a medium or major discharge and a Pollution Incident Report will be submitted.

(2) The format for the Pollution Incident Report is given in table 9–2.

(3) Telephonic or electronic reports will be confirmed by a follow-up written message within 60 days after the spill to the EPA Regional Administrator, the NRT or RRT, as appropriate, and to DAEN–ZCE.

(b) When more than 1,000 U.S. gallons of oil (medium and major spills) or more than 500 U.S. gallons of a hazardous liquid substance (or any major discharge of a hazardous substance) have been discharged into or upon a navigable water in a single spill or when two spill events occur within any 12-month period, this written follow-up report will contain (in addition to the items in table 9–2) the following:

(1) Description of facility from which spill originated; (including maps, flow diagrams, and topographic maps) date facility was put into operation; storage or handling capacity; and normal daily/weekly through-put.

(2) Cause of spill, including a failure analysis of system or subsystem in which the failure occurred. Describe unique problems encountered.

(3) Post spill corrective actions, including resources committed, attempts to reclaim spilled substance and/or countermeasures taken. Include a description of equipment repairs and/or replacements.

(4) Effectiveness of response and removal actions by the discharger, State and local forces, or Federal Agencies and Special Forces.

(5) Additional preventive measures taken or contemplated to minimize the possibility of a recurrence and recommendations to improve response actions and chances for reclaiming if a similar spill should occur.

(6) A complete copy of the SPCC Plan with any amendments.

(c) Based on the above spill report information, the EPA Regional Administrator may require amendments to the SPCC Plan and will notify the commander concerned by certified mail. A copy of such report will also be submitted to the state water pollution control authority.

(d) Upon discovery of a spill in which the pollutant may flow past the boundary of the installation, or a spill into navigable waters, or a spill from a vessel, the IOSC will notify the installation Judge Advocate's office to insure that information, records, and samples adequate for legal purposes are obtained and safeguarded for future use.

§ 650.217 Reports on DA support provided to control non-DA spills.

Reports on the commitment of Army resources to spills, either requested by EPA or USCG, or by authority of the installation commander, in response to the provisions of the National Oil and Hazardous Substance Pollution Contingency Plan will be provided to Director of Military Support HQDA (DAMO–MS) WASH DC 20310, in accordance with the provisions of AR 500–60.

§ 650.218 Exclusions.

(a) Policies and procedures applicable to nuclear accidents and incidents as outlined in AR 360–5, AR 50–21, and AR 40–13 are not affected by this regulation.

(b) Policies and procedures applicable to chemical agent accidents and incidents as outlined in AR 50–21 and AR 385–40 are not affected by this regulation.

TABLE 9–1—RELATED PUBLICATIONS

Council on Environmental Quality—National Oil and Hazardous Substances Pollution Contingency Plan (40 FR 28, p. 6282, February 10, 1975).

EPA—Oil Pollution Prevention, Non-Transportation-Related Onshore and Offshore Facilities (38 FR 237, p. 34164, December 11, 1973).

The Federal Water Pollution Control Act Amendments of 1972 (Title 33 U.S.C. 1251 et seq.).

River and Harbor Act of 1899 (30 Stat. 1121, 33 U.S.C. 407).

Executive Order 11752, Prevention, Control and Abatement of Environmental Pollution at Federal Facilities (38 FR 243, p. 34793).

Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052).

Department of Transportation—Discharge of Oil (Title 40 U.S.C. Part 110).

Pollution Prevention, Vessel and Oil Transfer Facilities, CFR Title 33, Chapter 1, Subchapter O, US Coast Guard.

AR 40–13	Radiological Emergency Medical Teams (REMT).
AR 50–21	Chemical Accident and Incident Control (CAIC).
AR 55–355	Military Traffic Management Regulation.
AR 56–9	Watercraft.
AR 75–15	Responsibilities and Procedures for Explosive Ordnance Disposal.
AR 385–10	Army Safety Program.
AR 385–40	Accident Reporting and Records.
AR 500–60	Disaster Relief.
TB 55–1900–206–14	Control and Abatement of Pollution by Army Watercraft.

TABLE 9–2—FORMAT FOR POLLUTION INCIDENT REPORT (RCS EPA–1001)

Item	*Data*
1	Name and location of installation.
2	Commander of installation and his phone number.
3	Date and time (GMT) of incident or time of discovery.
4	Severity of incident. Specify size of oil discharge (major, medium, minor).
5	Location of incident and specific areas affected by spill.
6	Cause and source of incident.
7	Type and estimated amount (barrels, gallons, liters, pounds) of pollutant. If applicable, length by width of slick.
8	Samples taken (yes or no)
9	Damage impact on surroundings (fish, wildlife, and underground waters, e.g. drinking water).
10	Potential dangers (fire, explosion, toxic vapor, etc.).
11	Corrective action to eliminate pollution source.
12	Corrective action to remove pollutant.
13	Assistance required.
14	Estimated completion date of remedial actions.
15	Anticipated or actual reaction by news media and public to the incident.
16	Other items required in the regional contingency plan and a general discussion of the incident.

Figure 9-1

STANDARD FEDERAL REGIONS
(EPA, HEW AND HUD REGIONS)
• Regional Headquarters
I
ME
VT
NH
MA
CT
BOSTON
II
NY
NJ
NEW YORK
PHILADELPHIA
PR
VI
III
PA
DE
MD
WV
VA
IV
NC
SC
GA
FL
AL
ATLANTA
MS
TN
KY
V
OH
IN
MI
IL
CHICAGO
WI
MN
VI
DALLAS
LA
AH
OK
TX
VII
KANSAS CITY
MO
IA
KS
NB
ND
SD
VIII
DENVER
CO
WY
MT
UT
AZ
NM
IX
SAN FRANCISCO
NV
CA
GUAM
AMERICAN SAMOA
HI
X
SEATTLE
WA
OR
ID
AK

Figure 9-2

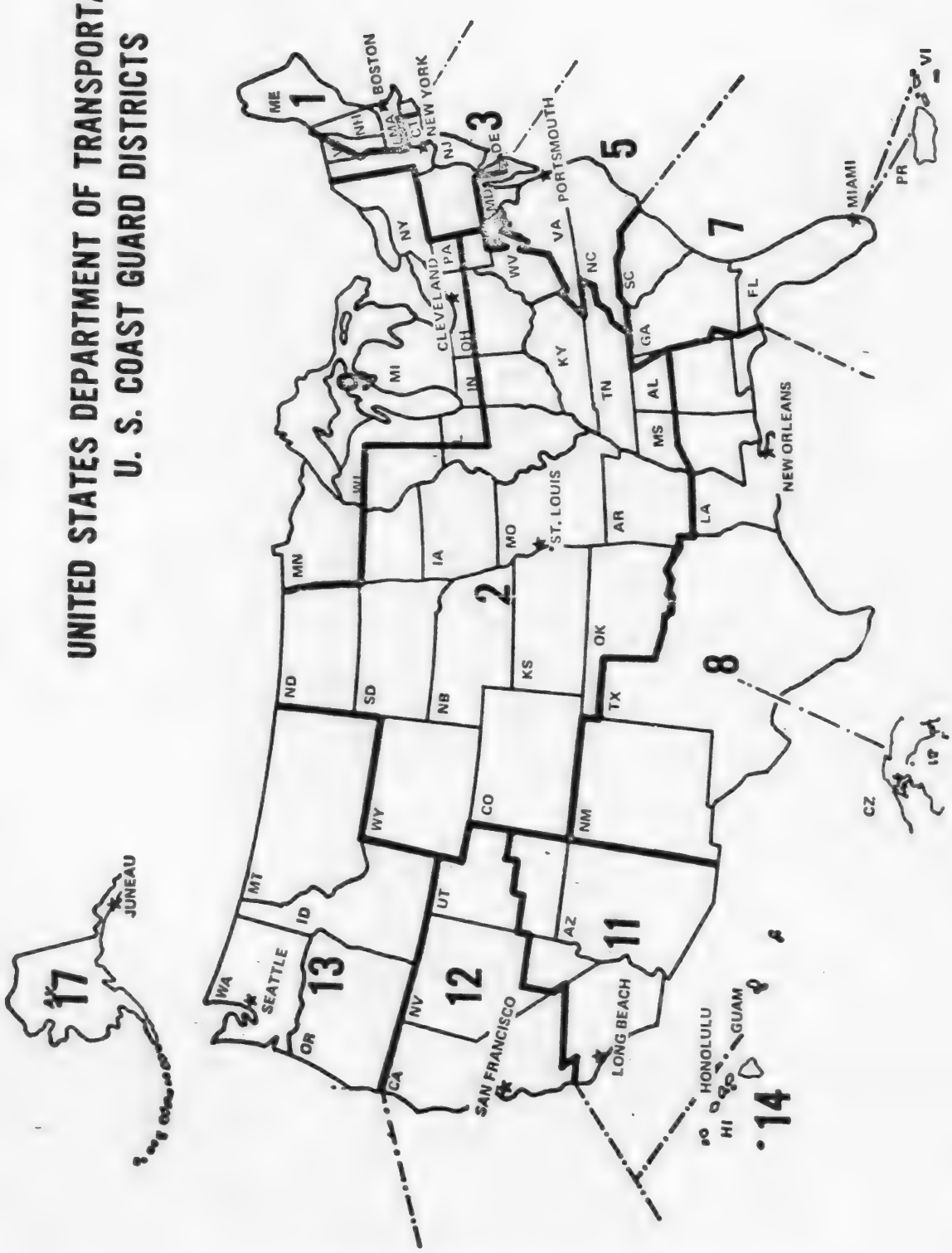

UNITED STATES DEPARTMENT OF TRANSPORTATION
U. S. COAST GUARD DISTRICTS
1
2
3
5
7
8
9
11
12
13
14
17
ME
VT
NH
MA
CT
RI
NY
NJ
MD
DE
VA
NC
SC
GA
FL
PR
VI
WV
PA
OH
MI
IN
KY
TN
AL
MS
LA
WI
IL
MN
IA
MO
AR
ND
SD
NB
KS
OK
TX
WY
CO
NM
MT
ID
UT
AZ
WA
OR
NV
CA
BOSTON
NEW YORK
PORTSMOUTH
CLEVELAND
MIAMI
NEW ORLEANS
ST. LOUIS
SEATTLE
SAN FRANCISCO
LONG BEACH
HONOLULU
GUAM
JUNEAU
CZ

TABLE 9-3—ENVIRONMENTAL PROTECTION AGENCY

REGIONAL OFFICES

Environmental Protection Agency, Region I, Room 2303, John F. Kennedy Federal Building, Boston, MA 02203, Tel: (617) 223-7265.

Environmental Protection Agency, Region II, Room 908, 26 Federal Plaza, New York, NY 10007, Tel: (201) 548-8730.

Environmental Protection Agency, Region III, Curtis Bldg., 6th and Walnut Streets, Philadelphia, PA 19106, Tel: (215) 597-9898.

Environmental Protection Agency, Region IV, 1421 Peachtree St., NE., Atlanta, Ga. 30309, Tel: (404) 526-5062.

Environmental Protection Agency, Region V, Federal Building, 230 South Dearborn Street, Chicago, ILL 60604, Tel: (312) 896-7591.

Environmental Protection Agency, Region VI, Suite 1600, 1600 Patterson St., Dallas, TX 75201, Tel: (214) 749-3840.

Environmental Protection Agency, Region VII, 1735 Baltimore Ave., Kansas City, MO 64108, Tel: (816) 374-3778.

Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, CO 80203, Tel: (303) 837-3880.

Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111, Tel: (415) 556-6254.

Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, WA 98101, Tel: (206) 442-4343.

Telephone numbers are 24 hour working numbers either through automatic switching or provision of answering services.

TABLE 9-4—DEPARTMENT OF TRANSPORTATION

US COAST GUARD DISTRICTS

1st Coast Guard District (I), 150 Causeway Street, Boston, MA 02114, Duty Officer: (617) 223-6650.

2nd Coast Guard District, Federal Building, 1520 Market Street, St. Louis, MO 63101, Duty Officer: (314) 622-4614.

3rd Coast Guard District (II), Governors Island, New York, NY 10004, Duty Officer: (212) 264-4800.

5th Coast Guard District (III), Federal Building, 431 Crawford Street, Portsmouth, VA 23705, Duty Officer: (703) 393-9611.

7th Coast Guard District (IV), Room 1018, Federal Bldg., 51 SW. 1st Avenue, Miami, FL 33130, Duty Officer: (305) 350-5611.

8th Coast Guard District (VI), Customhouse, New Orleans, LA 70130, Duty Officer: (504) 527-6225.

9th Coast Guard District (V), 1240 East 9th Street, Cleveland, OH 44199, Duty Officer: (216) 522-3984.

11th Coast Guard District, Heartwell Bldg., 19 Pine Avenue, Long Beach, CA 90802, Duty Officer: (213) 590-2311.

12th Coast Guard District (IX), 630 Sansome Street, San Francisco, CA 94126, Duty Officer: (415) 556-5500.

13th Coast Guard District (X), 618 2nd Avenue, Seattle, WA 98104, Duty Officer: (206) 524-2902.

14th Coast Guard District, 677 Ala Moana Blvd., Honolulu, HI 96813, Duty Officer: (808) 546-7109 (Commercial only), AUTOVON—421-4845.

17th Coast Guard District, P.O. Box 3-5000, Juneau, AK 99801, Duty Officer: (907) 586-7340 (Commercial only), AUTOVON—388-1121.

Telephone numbers shown are available and manned 24 hours ("") denotes district office where coastal regional Contingency Plans for standard Federal regions are available.

Subpart J—Environmental Protection Control Report (RCS DD-I&L(SA) 1088)

GENERAL

§ 650.231 Purpose.

(a) This chapter provides reporting procedures to be followed within the Department of the Army to control environmental pollution from existing facilities as contained in section 3(a)(3) Executive Order 11752 of December 17, 1973, entitled, "Prevention, Control and Abatement of Environmental Pollution at Federal Facilities." This section of the Executive Order provides that "Heads of Federal agencies shall, with regard to all facilities under their jurisdiction in the United States: * * *. (3) Present to the Director of the Office of Management and Budget (OMB), annually, a plan to provide for such improvement in the design, construction, management, operation, and maintenance of existing facilities as may be necessary to meet applicable standards specified * * *"

(b) The report described herein will be the principal mechanism for identifying pollution control projects and those resources needed to effectively execute installation and major command Environmental Programs. Properly defined information presented in this report can be used as a basis for necessary programing and budget actions by DA and major commands.

(c) These instruction implement OMB Circular A-106, dated 31 Dec 74, which supersedes OMB Circular A-78 and A-81, dated 18 May 70. Further, these instructions supersede those contained in AR 11-21.

§ 650.232 Explanation of terms.

(a) The terms used herein shall be the same as those defined in chapter 1.

(b) The term, "project" shall mean an action to achieve needed corrective measures relative to identified environmental pollution sources.

(c) The term "cost" shall mean the amount of funds required to install the necessary environmental protection measures. These funds include the capital costs of structures and equipment, irrespective of the appropriation chargeable, but not the annual maintenance and operating costs.

§ 650.233 Applicability.

Each active, semiactive and Army Reserve installation operated by or for the Department of the Army, and National Guard facilities/sites supported by Federally appropriated funds in the Continental United States; Alaska and Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Panama Canal Zone, and the Trust Territories of the Pacific, whether Army-controlled or under jurisdiction of the Army by lease or similar instrument, where environmental protection measures do not meet the current requirements and/or standards established by appropriated Federal, State or local regulatory agencies are to be listed in the Environmental Pollution Control Report. Each installation identifying a new pollution source or environmental protection requirement will report through command channels in accordance with these instructions. Negative report will be rendered by responsible commands in the form of a listing of those installations where remedial measures are not needed to correct a source of pollution or where no additional resources are needed to meet the provisions of this regulation.

§ 650.234 Scope.

(a) The report described herein consists of one exhibit to be prepared at the installation or activity level and two exhibits to be prepared at the major command level. Reports are to be forwarded through channels to HQDA (DAEN-FEU) WASH, DC 20314, by November 15, and May 15, of each year. The exhibits will reflect information as of October 20, and April 20.

(b) Exhibit 1 is entitled—Proposed Project Report. Separate Exhibits will be prepared for each project or activity on an installation in each of the following categories:

(1) Air Pollution.
(2) Water Pollution.
(3) Solid Waste Pollution.
(4) Radiation Pollution.
(5) Noise Pollution.
(6) Pesticide and Hazardous/Toxic Materials Pollution.
(7) Environmental Management.

(c) Exhibit 2 is entitled—Status Report. It indicates the amount programed, appropriated, or funded; the Current Working Estimate (CWE); and the status of each active project. Separate exhibits will be completed by the major commands for each category or projects (i.e. air, water, noise, solid waste, etc.). After the initial report, marked-up copies of the ADP printout giving an update on all previously reported projects is all that is necessary. The ADP printout to be used for this purpose will be provided by HQDA (DAEN-FEU) WASH, DC 20314.

(d) Exhibit 3 is entitled—Narrative Report. Major commands will provide a short explanation of the objectives that will be achieved, the elements of their environmental program that will be given particular emphasis over the short term, and the extent that statuory pollution control requirements and DA environmental goals and objectives will be satisfied by executing the projects or actions listed in the report. For any specific portion of the program that requires more than 12 months to complete, an identification of the major milestones for accomplishing the various actions are also to be included.

§ 650.235 Responsibilities.

(a) *Department of the Army Staff.* (1) The Chief of Engineers will compile the overall DA report based on submissions from major commands and the National Guard Bureau.

(2) The Chief, Army Reserve will monitor those reports by the major commands to insure that Reserve installations for which they provide logistic support are included in the Pollution Control Report.

(3) The Chief, National Guard Bureau will submit a report to the Chief of

Engineers including those projects for National Guard sites or installations which are supported by Federally appropriated funds.

(b) *Major Commands.* (1) Major commands controlling installations or activities, or providing logistical support to Reserve installations in the United States, District of Columbia, Puerto Rico, Canal Zone, Guam, American Samoa, Virgin Islands and the Trust Territories will submit reports in accordance with this regulation.

(2) Major commands controlling installations or activities in overseas areas will submit reports identifying pollution abatement projects required for compliance with host nation regulations, international or Status of Forces Agreements.

(3) Commander, US Army Materiel Command will submit reports on retrofit projects and programs to bring mobile sources (vehicles, aircraft and watercraft) into compliance with air, water and noise standards.

INSTRUCTIONS FOR THE PREPARATION AND SUBMISSION OF EXHIBITS

§ 650.236 Exhibit 1—Proposed Project.

(a) An Exhibit 1 will be prepared and maintained current for all known pollution control projects using the format in figure 10–1 and for valid environmental protection resource requirements using the format in figure 10–2. Exhibit 1's previously submitted on air and water pollution control projects which are still valid, but not yet completed, do not have to be resubmitted in the new format except when a significant change takes place to make the earlier Exhibit 1 obsolete. Exhibit 1's are not required for completed projects.

(b) Exhibit 1's for new or revised projects or requirements will be submitted semi-annually by November 15, and May 15, of each year to DAEN–FEU based on the latest information as of 30 days prior to the above reporting dates.

(c) Each project will be identified as to the category of pollution control needed (i.e., air, water, solid waste, radiation, noise, pesticides, and environmental management). Projects within a category will be assigned consecutive numbers by DAEN–FEU beginning with "1." Project numbers are for permanent identification and may not be reassigned to new projects. Existing air and water pollution control projects previously numbered under RCS DD–I&L(SA) 1088 are to be continued under their originally assigned numbers. These project numbers apply strictly to this report and are not to be confused with or to replace programing line-item numbers.

(d) Each project at the same installation required for a distinct and separate purpose is to be considered a separate project. Separate projects will be reported individually using the project number assigned by DAEN–FEU.

(e) Every item in Figures 10–1 or 10–2 is to be completed for each project. Where no entry is appropriate, enter NA (Not applicable). A specific effort must be made by the installation to obtain any information not immediately on hand.

(f) The following will be reported as other relevant information:

(1) Item 10 of Exhibit 1 will include information not shown elsewhere on the exhibit which is necessary for the evaluation of the project. For example, where the command knows of changing circumstances which will affect the practicability of undertaking a project at a particular facility (e.g., replacement of a facility or a change in installation mission which would alter control needs), these changes are to be stated. If a project is discontinued, state in this item the reasons and circumstances, if any, which might lead to a re-activation of the projects (e.g., plant is put in layaway; re-activation would be based on further troop strength increase or mobilization requirements).

(2) For facilities leased by the Army which are subject to the provisions of this regulation, describe under Item 10 the lease arrangements that would affect the requirements for control measures for such facilities. Such projects will be included in Exhibit 2 with a reference in the margin to the explanation given on Exhibit 1.

(3) If a project proposed in one environmental category is likely to generate pollution of other types, Item 10 is to include a brief description and how it is to be controlled.

(4) Citations or other forms of litigation by regulatory agencies or other official entities will be reported under Item 10.

(g) Enter in Item 11, Figure 10–1 or Item 5, Figure 10–2 known or estimated funding requirements by appropriation account (OMA, MCA, etc). (This source of project and cost data can be helpful to major commands in the development of annual budget requests to support their environmental program.)

(1) *Air.*—(i) *Item 2.* Identify the pollutant(s) by name for which the project will be required (for example: Particulate matter, sulfur oxides, hydrocarbons, carbon monoxide, nitrogen oxides, etc).

(ii) *Item 3.* State the amount of pollutants emitted by each point of emission being controlled within the facility. These amounts should be measured amounts if available and expressed in the same terms of the applicable emission standard, normally State Standards (e.g., lb/hr, ppm, etc.) in Item 8 at maximum process operating rate.

(iii) *Item 4.* Identify the specific emission point(s) which the project will control. This identification should be specific (e.g., two coal-fired boilers in building "xyz" rather than just "boiler").

(iv) *Item 5.* Specify the existing pollution control measures at the individual emission points. If no control measures are being utilized, so state.

(v) *Item 6.* Indicate the percentage of the pollutant which the control device removes.

(vi) *Item 7.* Indicate the type control device or process modification to be utilized to control emissions.

(vii) *Item 8.* Cite the applicable Federal, State or local air pollution emission control standard which the facility is required to meet, referencing the specific code, chapter, and part. Also, include the date the statutory requirements became effective.

(viii) *Item 9.* Indicate the project schedules proposed by the installation and that required by the statutory standards listed in Item 8. If the schedule for achieving compliance differs from statutory, regulatory, or other milestones and deadlines, indicate the dates the facility will meet them and explain why the statutory or regulatory dates will not be met. If a compliance schedule has been negotiated and accepted by the Regional EPA administrator, list those dates in lieu of those cited in a statute or regulation and indicate the date the compliance schedule was accepted.

(ix) Items 10 & 11. Complete according to instructions §§ 650.236 (a) thru (f).

(2) *Water*—(i) *Item 2.* Describes specific pollution and nature of problem, e.g., unintercepted washrack wastes containing oil and grease; overloaded sewage treatment plant bypasses raw or partly treated sewage to river; combined sewage overflow carries untreated sewage to lake, etc. Use this item and items 3, 6, and 7 as appropriate to describe infiltration inflow problems and measures required by NPDES permit and/or by "Spill Control and Countermeasure Plans" formulated pursuant to 40 CFR Part 112, "Oil Pollution Prevention," and promulgated in chapter 9 of this regulation.

(ii) *Item 3.* Show amount of waste generated and treated. Indicate gpd, tgd, or mgd.

(iii) *Item 4.* Show whether discharge is due to water (name of receiving water and location thereon), sewer system (name), land application, subsurface (e.g., septic system, drainfield, etc.).

(iv) *Item 5.* If problem as described in items 2 and 4 does not relate to an existing or proposed treatment plant, identify in this item the plant, if any, which ultimately receives, or will receive, and treats the wastewater.

(v) *Items 6 and 7.* In appropriate item, show existing and proposed ppm and/or lbs. in influent and effluent and percent removal for all principal polluting constituents. As a minimum BOD (COD and TOC where applicable) and suspended solids data should be shown wherever possible.

(vi) *Item 8.* Cite the applicable Federal, State or local discharge standard which the facility is required to meet, referencing the specific code, chapter and part. Also include date statutory requirement became effective. Briefly summarize the discharge limitations if a NPDES permit has not been issued. When a draft or final NPDES permit has been issued, indicate:

(A) When a permit application was submitted;

(B) the application and/or permit number, and the effective and expiration dates of any permit(s) issued; and

(C) the conditions of each permit in summary form, other than the compliance dates which are to be entered in item 9.

(vii) *Item 9.* Indicate the project schedules proposed by the command and as required by the standards listed in item 8. Where issued, NPDES permit schedules should be entered in the Regulation Schedule column. If the command schedule for achieving compliance differs from the regulatory, or NPDES scheduled dates indicate the date the facility will be in compliance and explain why the required dates will not be met.

(viii) *Item 10.* Under lease construction arrangements, state who is responsible for obtaining NPDES permits or for meeting schedules and requirements.

(ix) *Item 11.* Provide funding requirements.

(3) *Solid waste*—(i) *Item 2.* Indicate the activity which is not in compliance with solid waste disposal standards; i.e., waste collection, segregation of wastes, siting or operation of sanitary landfill.

NOTE: Particular attention is to be given to controlling leachate from landfill seeping into ground or surface water sources, control of surface runoff, sanitation of waste collection and transfer systems.

(ii) *Item 3.* If specific amounts of pollution are known, list or otherwise provide best estimate.

(iii) *Item 4.* Give details of the problem; i.e., whatever it is that is not in compliance with standards.

(iv) *Item 5.* Indicate, as applicable, quantities, types, and sources of solid waste handled; frequency of operation; year of original construction/operation; design life; and estimated remaining life.

(v) *Item 6.* Discuss effectiveness of existing solid waste management system or practices, if applicable.

(vi) *Item 7.* Give brief description of proposed project which will bring operation into compliance.

(vii) *Item 8.* Specify the DA, EPA, or other solid waste management guideline applicable and the specific requirement that makes the project necessary and the effective date of the regulation.

(viii) *Items 9, 10 and 11.* Complete according to instructions §§ 650.236 (a) thru (f)).

(4) *Radiation*—(i) *Item 2.* Identify specific type of pollutant; i.e., plutonium, cobalt 60 and other substances emitting ionizing radiations.

(ii) *Item 3.* Indicate levels of contamination (Curies or subunits, etc.)

(iii) *Item 4.* Give details of the problem.

(iv) *Item 5.* Explain current protection measures being employed, if any.

(v) *Item 6.* Discuss effectiveness of current control measures.

(vi) *Item 7.* Give brief description of proposed remedial measures.

(vii) *Item 8.* Specify AEC, EPA, or DA standards that are applicable and effective date of the regulation.

(viii) *Items 9, 10 and 11.* Complete according to instructions §§ 650.236 (a) thru (f)).

(5) *Noise Pollution*—(i) *Item 2.* Specify the character of the noise if known or by answering the following questions:

(A) Is the noise impulsive or non-impulsive?

(B) Is the noise on continuously or is it on-and-off intermittently?

(C) When the noise is on, is it steady in level, or does the level of loudness fluctuate?

(D) Is there a discernable tone or whine in the noise?

(ii) *Item 3.* Specify: (A) the sound level, if measured, and the measurement methodology utilized; (B) the elevation of the noise source, and the distance from the source to the noise impacted area; (C) identify the facilities or areas affected including the nature of the activities affected by the noise intrusions; e.g., churches, schools, hospitals, homes, recreational areas, offices and business areas, etc., and (D) whether areas affected are on or off-post. Technical assistance on identification and characterization of noises should be requested from Commander, US Army Health Services Command (HSC-PA), Fort Sam Houston, TX 78234.

(iii) *Item 4.* Identify the specific course of noise pollution which requires control. Report as a minimum, those sources which have been the subject of citizen complaints.

(iv) *Item 5.*

(A) Give description of existing level of noise control provided in terms of noise control management techniques such as engineering noise reduction, land use planning, or administrative procedures on controlling the source, path or receptor.

(B) State if sources of acoustic expertise were provided by an accoustical laboratory within the Army, or from commercial acoustical consultants to obtain noise level data.

(v) *Item 6.* Describe the effectiveness of existing treatment and control measures.

(vi) *Item 7.* Describe any remedial measures proposed and estimated effect in correcting the noise problem.

(vii) *Item 8.* Specify those portions and effective dates of applicable Federal, State or local noise regulations, statutes, standards to which the project responds, and the acceptable sound level permitted thereafter. If no regulations are known to apply, indicate if the nature of citizen complaints would justify some form of corrective action.

(viii) *Item 9.* Indicate the project schedules proposed to comply with standards listed in Item 8. If the schedule for achieving compliance differs from statutory or, regulatory laws, indicate the dates the requirements will be met and explain the reasons therefor.

(ix) *Item 10.*

(A) Identify the complaints received on the noise source in terms of the nature and number of complaints, source of complaints (military or civilian) and how they were registered with the installation (e.g., petitions, phone calls, letters, telegrams, etc.).

(B) Indicate if any legal actions are anticipated or have been initiated against the installation as a result of this reported source of environmental nose pollution.

(x) *Item 11.* Provide funding requirements.

(6) *Pesticides and hazardous/toxic materials.* (i) Projects to be reported should involve the control and abatement of pesticide and hazardous/toxic material pollution. Do not describe proposed and/or current programs involving the use of pesticides. Examples of pollution control projects would be measures to correct inadequate storage or disposal facilities to clean up land areas contaminated as a result of a pesticide spill, to provide mixing sinks and bathing facilities for personnel to repackage leaking chemical stock's, etc.

(ii) *Item 2.* Identify the pesticide or chemical that is the source of pollution and indicate the reason for corrective existing conditions.

(iii) *Items 3 thru 6.* Complete according to instructions (§§650.236(a) thru (f)).

(iv) *Item 7.* Describe the proposed method of disposal or nature of proposed corrective action.

(v) *Items 8 thru 11* Complete according to instructions (§§ 650.236(a) thru (f)).

(7) *Environmental Management.* (i) Exhibit 1-EM (figure 10-2) will be used to identify needed resources not included in an Exhibit 1 prepared in accordance with a previous paragraph but are required to comply with the provisions of this regulation. Items to be reported are those needed for the management of an installation environmental program and can logically include:

(A) NEPA resources—Preparation of Environmental Assessments and Environmental Impact Statements.

(B) Manpower resources—Full time environmental coordinators, staff officers, instructors, etc.

(C) Training—Schooling for operators (i.e., sewage treatment plant operators, lab technicians, pesticide applicators); training for management personnel (i.e., environmental co-ordinator, sanitary engineers, etc.).

(D) Environmental surveys—Ecological or archelogical surveys of an installation to obtain information needed for an Environmental Impact Assessment or an Environmental Impact Statement (EIS or EIS).

(E) Special studies—Technical or engineering studies to define sources of pollution and identify possible remedial measures.

(F) Other—Specify.

(ii) *Item 2.* Identify the basic requirement using the identifications in subparagraphs (1)(i) (A) through (F) of this paragraph.

(iii) *Item 3.* Explain the requirement and provide a brief justification for any new or additional resources needed for the management of the installation environmental program.

(iv) *Item 4.* List only those items which are quantifiable, such as number of personnel required, special equipment items, school courses, man-year requirements for studies, etc. by fiscal year.

(v) *Item 5.* Cite one-time costs or 5-year projected costs by appropriation as applicable.

(vi) *Item 6.* List other relevant information and specify. (See example and § 650.236(f)).

(h) Sample Exhibits—Examples of Exhibit 1's for each of the media are shown in figures 10–3 through 10–9.

§ 650.237 Exhibit 2—Status Report.

(a) Exhibit 2 is a command report which provides a financial summary of the projects in the program and their status. A separate Exhibit 2 is required for each media or category of projects (i.e., air, water, noise, solid waste, etc.) and will be submitted semi-annually along with Exhibit 1's on November 15, and May 15 of each year.

(b) Exhibit 2 will include all active projects plus those completed or discontinued subsequent to the submission of the previous report. Once a project is reported as completed or discontinued, it will be dropped from the report. The May 15 report will contain all projects which the command will submit in the next fiscal year budget. In addition, the November 15 report will reflect congressional appropriation action taken on the prior fiscal year budget.

(c) The initial Exhibit 2's for each media will be prepared by the reporting command using the format in Figure 10–10. Subsequent reports will be only an update of the previous command report. As each Exhibit 2 is received from a command, it will be converted to an ADP printout and returned to the reporting command by DAEN–FEU in 45–60 days for use in the next report update. The following updating procedures will be observed:

(1) One copy of a marked-up printout of the previous Exhibit 2 will accompany the semi-annual report.

(2) Corrections, changes and additions will be made neatly with a RED marking pen.

(3) An asterisk in the left margin will be used to identify projects which have been completed, discontinued or changed.

(4) New projects will be added to the bottom of the appropriate media printout.

(5) Exhibit 2's submitted on May 15 will contain the amount included or proposed to be included in the President's budget for each project, or the amount actually appropriated or funded.

(6) Major Command updating will be done only for non-MCA funded projects. MCA funded project status will be updated by DAEN–FEU.

(7) Each revision of Exhibit 2 will reflect the information as of October 20 and April 20, as appropriate.

(8) Funding totals by appropriation type for each fiscal year and for each media reported will be provided at the bottom of the last page:

(9) Current and relevant information will be presented in the "Status" column using the following format:

(i) Indicate "PP ——" if the project is in the preliminary planning stage. The blank provided should contain the estimated completion date for construction.

(ii) Indicate "DES ——" if the project is under design or has been designed, but is *not* under construction. The blank provided should contain the estimated completion date for construction and not the completion date of design.

(iii) Indicate "CON—" if the project is under construction. The blank provided should contain the estimated completion date.

(iv) Indicate "CPL —" if the project has been completed. The blank provided should contain the actual completion date.

(v) Indicate "DIS" if the project has been discontinued or dropped. Reasons should be given.

(vi) Indicate "DEF" if the project has been deferred or significantly delayed. Reasons for and what corrective actions taken, if any, should be given.

(vii) Indicate "OTH" if other than the above circumstances apply. An explanation should be given.

§ 650.238—Exhibit 3—Narrative Report.

(a) The Narrative Report will be a brief summary of the command environmental program. No specific format is prescribed; however, it will contain the following:

(1) Financial displays for the current FYDP period by appropriation account (MCA, PA, OMA, etc.) and by program media (air, water, noise, etc.). The elements of the program presented in the Exhibit 1–EM are to be aggregated by management activity to identify funding requirements for training, preparation of EIA/EIS, environmental surveys and studies, personnel costs, etc.

(2) An explanatoin of the environmental objectives to be achiveed by completing the projects reported or funding those activities contained in Exhibit 1's. For any specific portion of the program that requires more than 12 months to complete, identify the major milestones for accomplishing the actions.

(3) Elements of the command program that will be given particular emphasis over the short term.

(4) Projection of when statutory pollution control requirements, Federal or state, will be satisfied by the various elements of a command.

(5) Summary of potential or pending environmental litigation involving installations within the command.

(6) Explanation of anticipated problem areas requiring DA assistance.

(b) The content of the narrative report is basically a forecast of how the major command intends to accomplish its environmental program during the succeeding 12 months. This requirement should not be confused with the requirement for the annual status report (RCS DD–H&E(A) 1269), specified in § 650.9 of Subpart A of this part of this regulation, which is an annual summary of environmental protection accomplishments for the specified preceding calendar year.

EXHIBIT 1

CIRCULAR NO. A–106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Project No:
Media: Date Prepared:
Date Revised:
GSA Inventory Control No.:

1. *Facility.*

Name _____

Address _____

(city, county, state)

Agency contact _____

(name, title, telephone)

2. *Specific Type of Pollution.*
3. *Amount of Pollution.*
4. *Pollution Source, and Discharge, Emission, or Deposit Point.*
5. *Existing Treatment and Other Control Measures.*
6. *Effectiveness of Existing Treatment and Control.*
7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem.*
8. *Applicable Standards.* (Cite the specific State, interstate, local, or Federal regulation and specific requirement for which the project is needed.)
9. *Project Schedule.*

	Agency schedule—month and year	Regulation schedule—month and year
Design (completion)		
Construction (start)		
Construction (completion)		
Operation (start)		
Final compliance		

10. *Other Relevant Information.*
11. *Funding Schedule.*

Figure 10–1

EXHIBIT 1–EM

ENVIRONMENTAL POLLUTION CONTROL

Proposed Management Requirement

Date Prepared:
Dated Revised:
GSA Inventory Control No.:

1. *Facility.*

Name: _____

Address: _____

(city, county, state)

Agency Contact: _____

(name, title, telephone)

2. *Resource Identification.*
3. *Explanation and Justification of Resource Requirement.* Identify why resources, personnel and/or funds are needed for the "management" or conduct of the installation environmental program.
4. *Proposed Resource Schedule.* List by fiscal year for the period of the FYDP, when applicable.
5. *Funding.* Indicate appropriation account, amounts by fiscal year and whether amount is programed or unprogramed.
6. *Other Relevant Information.*

Figure 10–2

EXHIBIT 1

CIRCULAR NO. A-106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Department of the Army
Media: Air

Project No.: A-078C
Dated Prepared: 5/26/73
Date Revised: 2/11/74
GSA Inventory Control No.:

1. *Facility.*

Name: ABC Army Ammunition Plant.
Address: Kingstown, George County, S.C.
Agency Contact: MJR B. A. Smith Facility Engineer (615) 765-4321.

2. *Specific Type of Pollution.* NO_2

3. *Amount of Pollution.* 4,500 #/hr when process is operated at maximum rate.

4. *Pollution Source, and Discharge, Emission, or Deposit Point.* Nitric Acid Plant No. 13, Bldg. A.

5. *Existing Treatment and Other Control Measures.* No control measures.

6. *Effectiveness of Existing Treatment and Control.* 0% Removal efficiency.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem.* Construct packed column control device 94% efficient to achieve full compliance.

8. *Applicable Standards.* (1) State: State Air Code, Chapter V, S113.a(ii)
(2) Region:
(3) Actual standard or exact citation: Maximum of 450 #/hr allowed as per the XYZ test method; effective date of emission standard is 1/31/72.

9. *Project Schedule.*

	Agency schedule—month and year	Regulation schedule—month and year
Design (completion)	4-74	4-74
Construction (start)	10-74	9-74
Construction (completion)	1-75	11-74
Final Operation (start)	6-75	5-75
Final compliance	7-75	9-75

Explanation of difference between items 8 and 9: project advanced to provide margin of safety.

10. *Other Relevant Information.* Citizens complaints received on 12/15/73. Suits initiated on 12/30/73 by Onaconda Environmental Study Group.

11. Funding.

[In thousands of dollars]

PEMA	Fiscal years				
	1976	1977	1978	1979	1980
Programed	[1] $375	0	0	0	0
Unprogramed	0	0	0	0	0

[1] Included as part of plant modernization program.

Figure 10-3

EXHIBIT 1

CIRCULAR NO. A-106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Department of the Army
Media: Water

Project No.: A-999b.
Date Prepared: 2-29-72
Date Revised: 12-20-73
GSA Inventory Control No.: 45678

1. *Facility.*
Name: Camp Faraway.
Address: Mulch City, Enny County, S.D.
Agency Contact: Col. John Smith, Facilities Engineer. (615) 755-0022.

2. *Specific Type of Pollution.* Domestic sewage, partly treated. Existing treatment plant overloaded. Excess flow bypassed to river. Influent includes small amounts (.01 mgd) of filter backwash from water treatment plant containing precipitates of alum, iron, and manganese.

3. *Amount of Pollution.* Total flow: 6.2 mgd. Treated: 4.0 mgd.

4. *Pollution Source, and Discharge, Emission, or Deposit Point.* Secondary treatment plant discharges to Obstacle River, 3 miles below Mulch City water supply intake.

5. *Existing Treatment and Other Control Measures.* Secondary—high rate trickling filter plant, final sedimentation, and chlorination. Design Capacity=4.0 mgd.

6. *Effectiveness of Existing Treatment and Control.*

Principal constituent	In parts per million: Influent	Treated effluent	Percent removal
BOD5	235	36	83
Suspended solids	392	60	85
Total phosphorous as P	8.98	4.67	48
Total nitrogen as N	24.90	21.14	15

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem.* Replace existing treatment plant with AWT plant: chemical/activated sludge/multi-media filtration to achieve 95 percent removals or better. Design capacity=7.5 mgd.

8. *Applicable Standards. State Standards.* SD Code: Water Poll—Chapter 61, 1960 Supp. SD Code: Public Health—Chapter 27, 1960 Supp. Water Quality Standards for Surface Waters: Reg E-1.10A (Rev.).
Federal Regulations. 40 CFR 125, 133, PL 92-500, SS 301, 313, PL 92-500, S 402-NPDES, NPDES Permit Number—SD0012345, Permit Period—1974-1979.

9. *Project Schedule.*

	Agency schedule—month and year	Regulation schedule—month and year
Design (completion)	4-75	N/A
Construction (start)	6-75	5-75
Construction (completion)	2-77	1-77
Operation (start)	4-77	N/A
Final compliance	6-77	7-77

Regulation schedule as required by NPDES permit. State water quality standard requires adequate secondary treatment by 1/74.

Unable to meet State requirement because of design problems and funding cycle. State has permitted delay on condition NPDES permit deadline is met.

10. *Other Relevant Information.* Installation may become surplus in FY 75 or FY 76 leading to project discontinuance.
Funding

[In thousands of dollars]

MCA	Fiscal years				
	1976	1977	1978	1979	1980
Programed	0	$3,000	0	0	0
Unprogramed	0	0	0	0	0

Figure 10-4

EXHIBIT 1

CIRCULAR NO. A-106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Department of the Army.
Media: Solid Waste.

Project No.: A-001
Date Prepared: 2/11/74
Date Revised:
GSA Inventory Control No.:

1. *Facility.*
Name: Camp Faraway.
Address: Mulch City, Enny County, S.D.
Agency Contact: Col. John Smith, Facilities Engineer (615) 755-0022.

2. *Specific Type of Pollution.* Camp landfill.

3. *Amount of Pollution.* Leachate of high BOD concentration.

4. *Pollution Source, and Discharge, Emission, or Deposit Point.* Landfill is used for disposal of installation wastes. Due to frequent rains, wastes build up high moisture content and leachate, which emanates from side of fill. Also, area is noted to be a common breeding ground for flies and mosquitos, and is generally unsightly.

5. *Existing Treatment and Other Control Measures.* a. Landfill receives 10 tons per day of solid waste altogether, 5 from the Camp and 5 from the nearby Lindberg Air Base. It consists mainly of normal municipal-type wastes delivered on Monday, Wednesday and Friday of each week. Once a week a large load of oily rags is dumped in one corner of the landfill site.

b. Landfill was first opened in Summer of 1970 and is designed to operate until 1990.

c. Some control of run-off waters is exercised by a trench on the downhill side of landfill draining into a settling pond.

6. *Effectiveness of Existing Treatment and Control.* Trench prevents run-off waters from entering local bay waters, but does not solve vector, or aesthetic problems, nor does it minimize the amount of leachate forming.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem.* Purchase of bulldozer to compact and cover wastes, minimize formation of leachate, control vectors, and improve general appearance. Relocate landfill to area with better drainage.

8. *Applicable Standards.* EPA Guidelines for Land Disposal of Solid Wastes, published in FEDERAL REGISTER July 1, 1974, requirements under sections 241.204, 241.207, 241.208, 241.209, and 241.210.

9. *Project Schedule.*

	Agency schedule month and year	Regulation schedule month and year
Design (completion)	N/A	N/A
Construction (start)	N/A	N/A
Construction (completion)	N/A	N/A
Begin procurement action	7-75	N/A
Operation (start)	7-76	N/A
Final compliance	7-76	N/A

10. *Other Relevant Information.* Station planning to build an incinerator in 1980 to extend life of landfill.

11. *Funding.*

[In thousands of dollars]

	Fiscal years				
	1976	1977	1978	1979	1980
PEMA:					
Programed	0	0	0	0	0
Unprogramed	$30	0	0	0	0
OMA:					
Programed engineering study	$3	0	0	0	0
Unprogramed construction new landfill		$10			

Figure 10–5

EXHIBIT 1

CIRCULAR NO. A–106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Department of the Army.
Media: Radiation.

Project No.: A–001
Date Prepared: 6/14/74
Date Revised: 6/15/74
GSA Inventory Control No.:

1. *Facility.*
Name: Camp Faraway, Power Reactor.
Address: Mulch City, Enny County, S.D.
Agency Contact: Col. John Smith, Facilities Engineer (615) 755–0022.

2. *Specific Type of Pollution.* Corrosion products in form of iron and manganese isotopes in primary water cooling system of reactor.

3. *Amount of Pollution.* Isotopes of iron and manganese exceed new AEC and Army standards for water coolants.

4. *Pollution Source and Discharge, Emission or Deposit Point.* Primary coolant water discharged to holding tank and then periodically released to Lake Enny.

5. *Existing Treatment and Other Control Measure.* Holding tank before release to lake.

6. *Effectiveness of Existing Treatment and Control.* Only limited decay obtained from retention in holding tank.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem.* Redesign holding tank system to include addition of ion exchanger.

8. *Applicable Standards and Regulations.* 10 CFR Part 20 and AR 85–80.

9. *Project Schedule.*

	Agency schedule—month and year	Regulation schedule—month and year
Design (completion)	2–75	N/A
Construction (start)	5–75	N/A
Construction (completion)	7–75	N/A
Operation (start)	8–75	N/A
Final compliance	8–75	N/A

10. *Other Relevant Information.* None.

11. *Funding.*

[In thousands of dollars]

MCA	Fiscal years				
	1976	1977	1978	1979	1980
Program	$375				

Figure 10–6

EXHIBIT 1

CIRCULAR NO. A–106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Department of the Army
Media: Noise

Project No.: A–001
Date Prepared: 6/1/74
Dated Revised:
GSA Inventory Control No.: 45678

1. *Facility.*
Name: Camp Faraway.
Address: Mulch City, Enny County, SD
Agency Contact: Col. John Smith, Facilities Engineer (615) 755–0022.

2. *Specific Type of Pollution.* Noise is broadband with discernible tones. (Noise is nonimpulsive; it is continuous at a steady in level, but with a discernible tone).

3. *Amount of Pollution.* The source measures 75 dBA at the property line. Source is 20 feet from boundary line at a height of 15 feet. Facilities or areas affected: Civilian school and housing (off the installation).

4. *Pollution Source, and Discharge, Emission, or Deposit Point.* One power plant with forced draft fans and cooling tower.

5. *Existing Treatment and Other Control Measures.* No noise control exists. Acoustic expertise-Acoustica, Inc., Chicago, IL.

6. *Effectiveness of Existing Treatment and Control.* None.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problems.* Installation of commercially available mufflers on all forced draft fans and noise enclosure on cooling tower. It is expected that this action will lower the sound level below the background noise.

8. *Applicable Standards.* Mulch Noise Ordinance, Section 4–12, Chapter 17 of the Municipal Code of Mulch, requires that the noise level at the boundary line in business and commercial districts not exceed 62 dBA.

9. *Project Schedule.*

	Agency schedule—month and year	Regulation schedule—month and year
Design (completion)	9–76	N/A
Construction start	11–74	N/A
Construction (completion)	2–77	N/A
Operation (start)	3–77	N/A
Final compliance	4–77	N/A

The standards require immediate compliance. Agency schedule provides for earliest possible installation of control measures.

10. *Other Relevant Information.* (a) Community complaints have included 26 telephone calls, 15 letters, and 3 personal visits. Nature of complaints centered upon annoyance. (Log of noise complaints attached.)

(b) Legal action has not been initiated, but may be by County School Board.

11. *Funding.*

[In thousands of dollars]

OMA	Fiscal years				
	1976	1977	1978	1979	1980
(a) Mufflers on forced draft fans:					
Programed		$25			
Unprogramed					
(b) Enclosures on cooling tower:					
Programed					
Unprogramed		$10			

Figure 10–7

EXHIBIT 1

CIRCULAR NO. A–106

ENVIRONMENTAL POLLUTION CONTROL

Proposed Project Report

Agency: Department of the Army
Media: Pesticides & Hazardous/Toxic Materials

Project No.: A–002
Date Prepared: Sept. 15, 1974
Date Revised:
GSA Inventory Control No.:

1. *Facility.*
Name: Camp Faraway.
Address: Mulch City, Enny County, S.D.
Agency Contact: Col. John Smith, Facilities Engineer (615) 755–0022.

Specific type of pollution. The following pesticides registered for the control of pests: malathion, diazinon, chlorpyrifos, propoxur, lindane, chlordane.

3. *Amount of Pollution.* Quantities of pesticide concentrate mixed per month: Malathion, 10 gal; diazinon, 10 gal; chlorpyrifos, 7 gal; propoxur, 10 gal; lindane, 2 gal; chlordane, 10 gal.

4. *Pollution Source, and Discharge, Emission, or Deposit Point.* N/A.

5. *Existing Treatment and Other Control Measures.* Mixing sink with sump.

6. *Effectiveness of Existing Treatment and Control.* Sink too small. Inadequate neutralization and sump capacity. Requires manual baling.

7. *Remedial Measures Proposed and Estimated Effect in Correcting Problem.* Replace small mixing sink with larger double mixing sink. Install a neutralization and holding tank with sump pump for pesticide rinses.

8. *Applicable Standards.* Executive Order #11643—Environmental Safeguards on Activities for Animal Damage Control on Federal Lands. February 8, 1972. Additionally, the EPA, under statutory authority of Section 4, Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act.

9. *Project Schedule.*

	Agency schedule—month and year	Regulation schedule—month and year
Design (completion)	10–75	N/A
Construction (start)	1–76	N/A
Construction (completion)	3–76	N/A
Operation (start)	4–76	N/A

10. *Other Relevant Information.* Other stocks of suspended on finally cancelled pesticides will be stored until proper disposal methods are developed. Inventory: 5 percent DDT in oil—350 gallons; 75 percent DDT wettable powder—220 lbs.

11. *Funding Schedule.*

[In thousands of dollars]

OMA	Fiscal years				
	1976	1977	1978	1979	1980
Programed	$3.0	0	0	0	0
Unprogramed	0	0	0	0	0

Figure 10–8

EXHIBIT 1–EM

ENVIRONMENTAL POLLUTION CONTROL

Proposed Management Report

Agency: Department of the Army
Date Prepared: 1 Oct 74
Date Revised:
Media: Management
GSA Inventory Control No.: *12345*

1. *Facility.*
Name: Fort Stoner.
Address: Podunk, Organ County, SD.
Agency Contact: COL J. J. Jones, Facility Engineer, AV 823–1555.

2. *Resource Identification.* Training.

3. *Explanation and Justification of Resource Requirement.* Training is required for sewage treatment plant superintendent, operators and laboratory technician to meet certification standards of South Dakota. A new sewage treatment plant will be put into operation in December 1975 and trained personnel will be required to operate it. Current personnel are not familiar with the operation of the new plant and require instructions on State requirements and standards.

4. *Proposed Resource Schedule.* Training offered at University of South Dakota. Attendance at one-week courses is as follows:

	Fiscal years				
	1975	1976	1977	1978	1979
Superintendent	1				
Operator		2	2	1	1
Lab technician		1			

5. *Funding.*

[In thousands of dollars]

OMA	Fiscal year				
	1975	1976	1977	1978	1979
Programed	$0.2	$0.6			
Unprogramed			$0.4	$0.2	$0.2

6. *Other Relevant Information.* Outyear requirements reflect training for new hires.

Figure 10–9

EXHIBIT 2

_____ POLLUTION STATUS REPORT
(media)

Appropriation account: _____ (OMA, MCA, etc.)

Agency: _____ Page ____ of _____

Agency contact: _____ Reporting Date _____

Telephone: _____

Project No.	Project name and location (GSA inventory control No.)	Project costs ($1,000's)—Amount in President's budget or agency plan or amount appropriated or funded						Present cost estimate	Status
		Fiscal year −2	Fiscal year −1	Current fiscal year	Fiscal year +1	Fiscal year +2	Fiscal year +3		

NOTE.—Provide totals on the last page for each appropriation account.

Figure 10–10

APPENDIX A—PROCEDURES FOR THE PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

FRIDAY, JANUARY 25, 1974
WASHINGTON, D.C.

Volume 39—Number 18

PART II

See FEDERAL REGISTER 39 FR 3366–3370, January 25, 1974.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PROCEDURES FOR THE PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

[FR Doc.75–32267 Filed 12–1–75;8:45 am]